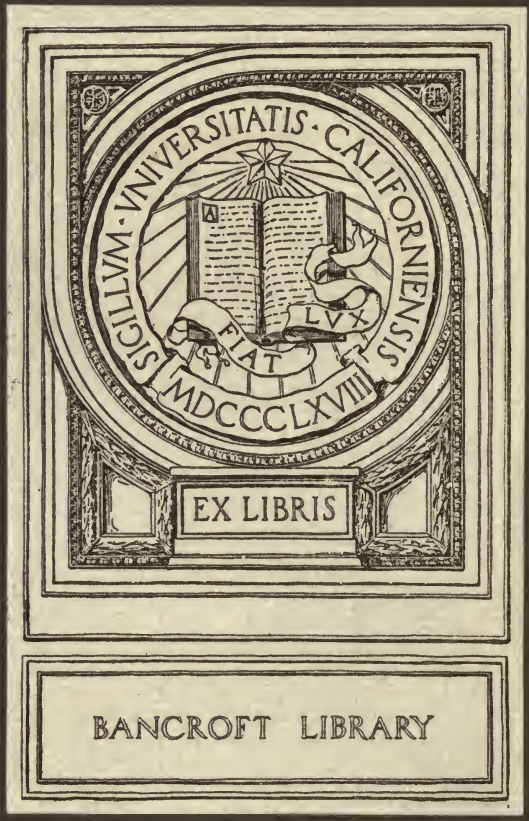

SPEECH

OF

MR. R. TOOMBS, OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 27, 1850, IN COMMITTEE OF THE WHOLE ON THE STATE OF THE UNION, ON THE PRESIDENT'S MESSAGE COMMUNICATING THE CONSTITUTION OF CALIFORNIA.

Mr. TOOMBS said:

Mr. CHAIRMAN: There is a general discontent among the people of fifteen States of the Union against this Government. Popular discontents are rarely ill-founded. It is almost impossible in a free, popular government, for any considerable portion of the people to become alienated from the government of their own free choice without a substantial reason. I propose, as a Representative of a portion of the people who participate largely in this discontent, to inquire into its cause, and if it be well-founded, to ask you to remove it. It is based upon a well-founded apprehension of a fixed purpose on the part of the non-slaveholding States of the Union to destroy their political rights; to put their institutions under the ban of the empire, by excluding them from an equal participation in the common benefits of the Republic, and thereby to bring the powers of their own Government in direct hostility to fifteen hundred millions of their property. This brief statement suggests the propriety of the investigation upon which I now propose to enter: What is the true relation of this Government to property in slaves? We are now, sir, in a transition state; heretofore the distribution of political power, under our system, has made sectional aggression impossible. I think it would have been wise to have secured permanency to such distribution by the fundamental law. It was not done.

The course of events, the increase of population in the northern portion of the republic, and the addition of New States, are about to give, if they have not already given, the non-slaveholding States a majority in both branches of Congress, and they have a large and increasing majority of the population of the Union. These causes have brought us to the point where we are to test the sufficiency of written constitutions to protect the rights of a minority against a majority of the people. Upon the determination of this question will depend, and ought to depend, the permanency of the Government. The union of these States had its birth in the weakness of its separate members: without that single controlling element, its early history amply demonstrates that its creation, in its present form, would have been an impossibility. It contained uncongenial elements, and perhaps discordant interests. It left local, yet great and important interests, of what was even then seen would be numerically the weaker section of the confederacy, without any security against the stronger, except from parchment guarantees. Our fathers did not imitate the wisdom of the great Grecian ambassador, who declared, when entering into a treaty with the adversaries of his country: I will accept no other security but this—that you shall not have the *power* to injure my country, if you wish to do it. Our security, under the Constitution, is based solely upon good faith. There is nothing in its structure which makes aggression permanently impossible. It requires neither skill, nor genius, nor courage, to perpetrate it; it requires only bad faith. I have studied the histories of nations and the characteristics of mankind to but little purpose if that quality shall be found wanting in the future administration of our affairs. Our present Constitution was not baptized in the blood of the revolution.

The old confederation, which was found strong enough, under a sense of common danger, to carry us triumphantly through the war of the revolution, upon the return of peace, was supposed to be insufficient for the wants of the country. Delegates met in convention at Philadelphia to amend it; the present Constitution was the result of their labors. The journals and debates of that convention attest the fact, that the delegates from the slaveholding States saw the danger of submitting their rights to property in slaves to the hostile legislation of the proposed new government. They then foresaw that they would be in a minority; a strong hostility to that interest was openly manifested in the convention; they were wise enough not to expect an abatement of that sentiment, and therefore they demanded special guarantees for its protection. The inflexible pertinacity with which some of these guarantees were insisted upon, on more than one occasion during the deliberations of that assembly, threatened the loss of the whole plan of Union. They were conceded, because the Union could not have been formed without their concession. These special guarantees were—

1st. An exception of the African slave trade from the general power of Congress over commerce for twenty years.

2d. Representation for slaves in this branch of Congress.

3d. The right to demand the delivery up of fugitives from labor escaping to the non-slaveholding confederates.

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4th. The obligation of the General Government to suppress insurrections.

These special securities, together with the reservation "to the States respectively, or to the people," of the "powers not delegated to the United States by the Constitution, nor prohibited by it to the States," were supposed by those who granted them and those who accepted them to be amply sufficient to protect property in slaves from any hostile action of this Government. In this sense was the Constitution received and accepted by the people of the United States. The only defect in these guarantees results from the fact that the execution and faithful observance of them depend upon the good faith of the Government; in themselves honestly adhered to, they are full, ample, and sufficient.

The history of some of them is curious and instructing. At the time of the formation of the Constitution, Virginia and Maryland had prohibited the African slave trade, North Carolina had laws trammeling and restraining it, South Carolina and Georgia insisted upon further importations. These two States bargained with New England, and a part of the consideration was, that New England was to vote for the continuance of the African slave trade for twenty years, and Georgia and South Carolina were to vote to place the general commerce of the country under the control of a majority of Congress, instead of two-thirds, which had been passed by the Convention. The understanding was fairly carried out on both sides, and thus the African slave trade was made lawful commerce under the flag of the Union by the votes of New England against the votes of slaveholding Virginia and Maryland. The North has enjoyed in security her part of the bargain, and she was none the loser by our part of the contract, as she did the carrying, and received the profits of the speculation in slaves. Yet, in the face of these facts, and in defiance of these provisions of the Constitution, we are told on this floor, by New England Representatives, that slave property is out of the protection of the Government. Thousands of these slaves thus introduced as lawful commerce are still held by the people of the South; other thousands, which were sold for taxes and other debts due this Government, are thus held; the money is, or may be in your treasury, liable to be paid out for your per-diem pay. Your Government has direct or imperfect liens upon other thousands in the shape of official or other bonds. We have the right to call on you to give your blood to maintain these thousands and all the rest of the slaves of the South in bondage. It is "so nominated in the bond." Yet with these obligations resting upon you, we are told by you that slave property is out of the protection of the Government. Gentlemen, deceive not yourselves, you cannot deceive others. This is a pro-slavery government. Slavery is stamped upon its heart—the Constitution. You must tear that out of the body politic before you can commence the work of its eradication.

I have heard in this hall, within a few days past, fierce and bitter denunciations from northern lips, of Abolitionists—those of the Garrison school, who sometimes chance to meet in Faneuil Hall. In my judgment, their line of policy is the fairest, most just, most honest and defensible of all the enemies of our institutions. And such will be the judgment of impartial history. "They shun no question, they wear no mask." They admit some, at least, of the constitutional obligations to protect slavery. They hold these obligations inconsistent with good conscience, and they therefore denounce the Constitution as "a covenant with Death and a league with Hell," and struggle earnestly for its overthrow. If their conduct is devoid of every other virtue, and every other claim to our respect, it is at least consistent. They do not seek, as many members do here, to get the benefits, and shun the burdens of the bargain.

Notwithstanding the constitutional safeguards which I have enumerated, the enemies of slavery here have attempted, and are now attempting, to get, by implication, that power to war upon it which was so studiously withheld. No man pretends that there is any express power (except that to inhibit the African slave trade after 1808) granted in the Constitution to limit, restrain, discourage, or otherwise impair property in slaves. But they seek to effect these objects by implication, under the claim of power to govern the Territories belonging to the United States. This power to govern the Territories is itself but a doubtful implication. It is not founded upon express grant. That clause of the Constitution which authorizes Congress "to 'dispose of and make all needful rules and regu-'lations respecting the territory or other property 'belonging to the United States" has been sometimes relied upon to warrant legislation over the Territories. But its terms confine it so clearly to territory as land, as property, that the pretension is now generally abandoned as untenable, the advocates of the power most usually claim it as resulting from the power to acquire territory by treaty.

It being unimportant to my argument from whence the power to legislate over the Territories is derived, I shall not now discuss it. No matter where you place it, the power to legislate against slavery is not a legitimate incident to it, and cannot by any just rule of constitutional construction be derived from it. The object, the end, is nowhere sanctioned by the Constitution, therefore the means cannot be implied. The argument of the North, stated briefly, is this: That the object of the power to legislate over the Territories is to give them good government, and that the exclusion of slavery is a necessary and proper means to secure that object. The conclusion is not warranted by the premises, even considering it as a general proposition, without reference to our peculiar form of government; taken in that connexion it is not only illogical, but atrocious. It is assuming that there was an implied power given to the head of our political system to war against its members—a power to stamp with reprobation the institutions of fifteen States of the Republic, to declare their institutions inconsistent with good government, and to forbid their adoption, even if desired by the people, by the inhabitants of the common domain of all the States. There lies the real question between us. This pretension is not only not warranted by the Constitution, but brings you in direct collision with the fundamental principles of this Government and of all good government. This Government was established for the protection of the rights of persons and the rights of property of the political communities which adopted it. These are the primary objects of all good government. The protection of property is the corner-stone of industry, of national progress, of civilization. No government can stand in America, or ought to stand any where, which brings its powers in hostility to the property of the people. These principles are the foundation of the positions which I assumed at the opening of this Congress. They elicited much animadversion from the press of the North, and some from people at the South who are among us, but not of us. I

desire here, again, to reaffirm them. I shall stand by them; if their maintenance by the South costs the Union, it is your fault, not ours. Our lives, our property, our constitutional privileges are all really involved in the issue. Your position offers us the fate of Hayti, or, at best, of Jamaica, or resistance to lawless rule. I trust there is nothing in our past history which ought to induce you to doubt which alternative we shall accept. Though the Union may perish, though slavery may perish, I warn my countrymen never to surrender their right to an equal participation in the common property of the republic, nor their right to full and ample protection of their property from their own government. The day they do this deed "their fall will be like that of Lucifer, never to rise again."

This general duty of Government to protect the property of the people is so obviously just that it is usually admitted, with the qualification of excepting slave property. This very exception is but asserting in a more odious form hostility to our rights. The principle upon which the exception is pretended to be based is, that slavery is a peculiar institution and is against the common law of mankind. If slavery is a peculiar institution, I have to reply, then our Government is a peculiar government, and our Constitution is a peculiar constitution, for I have already shown that both the Government and the Constitution are impregnated with the peculiarity. "The common law of mankind" is at best but an uncertain term. It wants many of the essential ingredients of good law. It is difficult of ascertainment, and more difficult to enforce. I take its best exponent to be the practice of mankind. Tested by this rule the position of our opponents is untenable. There is no period in the history of the human race in which slavery has not existed in a great portion of the earth. It was the universal practice of mankind from the days of Abraham until the formation of our Constitution. It was expressly authorized and sanctioned by the successor of St. Peter in the sixteenth century, and was at that time the general law of Christendom. At the formation of our Constitution property in slaves was recognised and protected in some form by every civilized government in the world. If our constitutional rights to the protection of our slave property is to be subjected to this new test, this new invention of our opponents, "the common law of mankind," we claim to stand upon the law as it stood when the compact was made. It is the legal and just rule of construing private contracts: it is equally just when applied to the exposition of public compacts. It is the only mode of arriving at the true sense and meaning of the parties to the compact in relation to the test applied. At that day slavery was lawful in every country in the world where it was not prohibited by law. The dictum of Lord Mansfield to the contrary in Somersett's case, in 1772, was outside of the case before him, against the express decision of Lord Hardwicke and other eminent English jurists on the precise point, and was disavowed fifty years afterwards in a judicial decision by Lord Stowell, one of the most able, learned, and accomplished of England's judges. That such was the common law of these colonies Lord Mansfield himself, in the case referred to, expressly affirmed; and that such was the understanding of the law by the States who formed our Constitution is conclusively proved by the fact, that emancipation, where it has taken place, has been effected in every instance but one by express prohibition; and it is further shown by the uniform protection which this Government, from its foundation, has given to property in slaves without inquiry into its origin. This Government has no power to declare what shall or what shall not be property, or to regulate the manner or places of its enjoyment, except in the cases of patent rights and copyrights. This power belongs to the State governments to the extent that it exists anywhere. Whatever any of the States recognise as property, it is the duty of this Government to protect. When it places itself in hostility to property thus secured, it becomes an enemy to the people, and ought to be corrected or subverted. This is a question which affects the rights of all the States.

This is the only rule which can preserve the harmony of the Union, and enable the General Government to perform impartially its duties to States having different interests and institutions. We have no right to complain, and we do not complain of any policy which our confederates may impose upon their own citizens, in relation to slavery within their own limits; nor do we complain of the opinions of individuals in reference to it. Massachusetts can send Abolitionists here if she chooses, and she makes a free use of the right. What we have the right to demand, and what we do demand, is, that they shall not impress their anti-slavery opinions upon the legislation of this Government. We neither desire to force our policy upon her, nor will we submit to have hers forced upon us. We offer her the power and the resources of the republic to protect her property. We require the same for ourselves. What object of material wealth, animate or inanimate, recognised by the laws of the northern States, have we ever failed to protect? None. When have we ever attempted, by legislation or otherwise, to war upon her domestic policy? Never. We have not only protected her wealth, when created or acquired, but we have done more—we have aided her, by our legislation, to create it. By our navigation laws we have given her the monopoly of our coasting trade. By discriminating tariffs we have invigorated and stimulated the arm of her industry. We have followed with our laws her ships freighted with her property, and her hardy seamen in pursuit of wealth, over the trackless ocean, to the uttermost parts of the world. They have traversed every ocean; they have stood upon every isle of the sea and upon every continent of the earth, securely pursuing the acquisition of wealth, under that emblem of our nationality—the stars and stripes.

We have withheld no part of the price—neither of blood nor treasure—of winning for that flag a name and a renown which makes it so omnipotent to shield the persons and property of American citizens. The sight of the flag of England once caused every Anglo-Saxon heart on this continent to leap with joy and gladness. Then the power which it represented was used to shield and protect them. Foolish tyrants made it the emblem of degradation. Loyalty was converted into hate—the rest is history. Profit by its teachings. I demand to-day that protection for my constituents which we have never withheld from you. It is the price of our allegiance. Let us understand each other. We hold it to be the duty of this Government to protect the persons and property of the citizens of the United States wherever its flag floats and it has paramount jurisdiction. And as a just corollary from this principle, we affirm that, as the Territories of the United States are the common property of the people of the several States, we have the right to enter them with our flocks and our herds, with our men servants and our maid servants, and whatever else the laws of any of the States of this Union declare

to be property, and to receive full and ample protection from our common Government until its authority is rightfully superseded by a State Government. This is equity, this is what we call equality; and it is what you would call equity and equality but for your crusade against slavery.

We do not demand, as is constantly alleged on this floor and elsewhere, that you shall establish slavery in the Territories. I have endeavored to show that you have no power to do so. Slavery is a "fixed fact" in your system. We ask protection against all hostile impediments to the introduction and peaceable enjoyment of all of our property in the Territories. Whether these impediments arise from foreign laws or from any pretended domestic authority, we hold it to be your duty to remove them. Foreign laws can only exist in acquired territory by your will, express or implied. It is a fraud on our rights to permit them to remain to our prejudice. This new doctrine, asserting the right of the squatters on the public domain to assume sovereignty over it, in its Territorial state, was concocted only for a Presidential campaign. It failed of its purpose, and is now brought into general contempt. It is believed to be without a defender except in its putative father. Congress alone has the right to legislate for the Territories until they shall be prepared for admission into the Union. At that period they have the right to form such government as they may prefer, with the sole restriction that it shall be republican. When they shall be admitted, and what shall be their boundaries, and who shall participate in the formation of their government, are proper subjects for legislative discretion. Congress has no power over the character of their domestic institutions. Acting upon these principles, at the last session of Congress I gave my support to the bill for the admission of California into the Union, introduced by a gentleman from Virginia, (Mr. PRESTON,) who now, with so much honor to himself and advantage to the country, presides over one of the great departments of this Government. That bill authorized the people of California to form their own institutions according to their own wishes. Northern gentlemen thrust in their anti-slavery proviso, and the bill was defeated. Now I find the same gentlemen over-zealous for the admission of California. It is from no just regard to sound principles that they have changed their action. The people of California have inserted the proviso for them; they have thus secured their end and therefore change their policy. My objections to the California bill of the last session were numerous and grave, but it had the great advantage of settling the whole question without any violation of sound principles. I therefore overcame my objections, and gave it my cordial and earnest support. The bill now before us for the admission of California has not that merit. It has all the objections that existed against the former bill, with still graver ones superadded, and is without the merit of closing the question. It settles nothing but the addition of another non-slaveholding State to the Union, thus giving the predominating interest additional power to settle more fully the territorial questions which it leaves unadjusted. In this state of the question it cannot receive my support.

Those who claim the power in Congress to exclude slavery from the Territories, rely rather on majority than principle to support it. They affirm, with singular ignorance of, or want of fidelity to, the facts, that Congress has, from the beginning of the Government, uniformly claimed, and repeatedly exercised, the power to discourage slavery and to exclude it from the Territories. My investigation of the subject has satisfied my own mind that neither position is sustained by a single precedent. I exclude, of course, legislation prohibiting the African slave trade; and I hold the ordinance of 1787 not to be within the principle asserted. For the first thirty years of our history this general duty to protect this great interest equally with every other, was universally admitted and fairly performed by every department of the Government. The act of 1793 was passed to secure the delivery up of fugitives from labor escaping to the non-slaveholding States; your navigation laws authorized their transportation on the high seas. The Government demanded, and repeatedly received, compensation for the owners of slaves for injuries sustained in these lawful voyages by the interference of foreign governments. It not only protected us upon the high seas, but followed us to foreign lands, where we had been driven by the dangers of the sea, and protected slave property when thus cast even within the jurisdiction of hostile municipal laws. The slave property of our people was protected against the incursions of Indians by your military power and public treaties. The citizens of Georgia have received hundreds of thousands of dollars through your treaties for Indian depredations upon this species of property. That clause of the treaty of Ghent which provided compensation for property destroyed or taken by the British government, placed slavery precisely upon the same ground with other property; and a New England man [Mr. ADAMS] ably and faithfully maintained the rights of the slaveholder under it at the Court of St. James. Then the Government was administered according to the Constitution, and not according to what is now called "the spirit of the age." Those legislators looked for political powers and public duties in the organic law which political communities had laid down for their guidance and government. Humanity-mongers, atheistical socialists, who would upturn the moral, social, and political foundations of society, who would substitute the folly of men for the wisdom of God, were then justly considered as the enemies of the human race, and as deserving the contempt, if not the execration, of all mankind.

Until the year 1820 your territorial legislation was marked by the same general spirit of fairness and justice. Notwithstanding the constant assertions to the contrary by gentlemen from the North, up to that period no act was ever passed by Congress maintaining or asserting the primary constitutional power to prevent any citizen of the United States owning slaves from removing with them to our territories, and there receiving legal protection for this property. Until that time such persons did so remove into all the territories owned or acquired by the United States, except the Northwest Territory, and were there adequately protected. The action of Congress in reference to the ordinance of 1787 does not contravene this principle. That ordinance was passed on the 13th of July, 1787, before the adoption of our present Constitution. It purported on its face to be a perpetual compact between the State of Virginia, the people of the Territory, and the then Government of the United States, and unalterable except by the consent of all the parties. When Congress met for the first time under the new government, on the 4th of March, 1789, it found the government thus established by virtue of this ordinance in actual operation; and on the 7th of August, 1789, it passed a law making the offices of governor and secretary of the Territory conform to the Constitution of the

new government. It did nothing more. It made no reference to the sixth and last section of the ordinance which inhibited slavery. The division of that Territory was provided for in the ordinance; at each division, the whole of the ordinance was assigned by Congress to each of its parts. This is the whole sum and substance of the Free-Soil claim to legislative precedents. Congress did not assert the right to alter a solemn compact entered into with the former government, but gave its consent by its legislation to the governments established and provided for in the compact. If the original compact was void for want of power in the old government to make it, as Mr. Madison supposed, Congress may not have been bound to accept it—it certainly had no power to alter it. From these facts and principles it is clear that the legislation for the Northwest Territory does not conflict with the principle which I assert, and does not afford precedents for the hostile legislation of Congress against slavery in the Territories. That such was neither the principle nor the policy upon which the act of the 7th of August, 1789, was based, is further shown by the subsequent action of the same Congress. On the 2d of April, 1790, Congress, by a formal act, accepted the cession made by North Carolina of her western lands (now the State of Tennessee) with this clause in the deed of cession: "That no regulations made or to be made by Congress shall tend to emancipate slaves" in the ceded territory; and on the 26th of May, 1790, passed a territorial bill for the government of all the territory claimed by the United States south of the Ohio river. The description of this territory included all the lands ceded by North Carolina, but it included a great deal more. Its boundaries were left indefinite, because there were conflicting claims to all the rest of the territory. But this act put the whole country claimed by the United States south of the Ohio under this pro-slavery clause of the North Carolina deed. The whole action of the first Congress in relation to slavery in the Territories of the United States seems to have been this: It acquiesced in a government for the Northwest Territory based upon a pre-existing anti-slavery ordinance, created a government for the country ceded by North Carolina in conformity with the pro-slavery clause in her deed, and extended this pro-slavery clause to all the rest of the territory claimed by the United States south of the Ohio river. This legislation vindicates the first Congress from all imputation of having established the precedent claimed by the friends of legislative exclusion. The next territorial act which was passed was that of the 7th of April, 1798. It was the first act of territorial legislation which had to rest solely upon original, primary, constitutional power over the subject. It established a government over the territory included within the boundaries of a line drawn due east from the mouth of the Yazoo river to the Chattahoochee river, then down that river to the thirty-first degree of north latitude, then west on that line to the Mississippi river, then up the Mississippi to the beginning. This territory was within the boundary of the United States as defined by the treaty of Paris, and was not within the boundary of any of the States. The charter of Georgia limited her boundary on the south to the Altamaha river. In 1763, after the surrender of her charter, her limits were extended by the crown to the St. Mary's river, and west on the thirty-first degree of north latitude to the Mississippi. In 1764, on the recommendation of the board of trade, her boundary was again altered, and that portion of territory within the boundaries which I have described was annexed to West Florida, and thus it stood at the revolution and the treaty of peace. Therefore the United States claimed it as common property, and, in 1798, passed the act now under review for its government. In that act she neither claimed nor exerted any power to prohibit slavery in it. And the question came directly before Congress; the ordinance of 1787 in terms was applied to this territory, expressly "excepting and excluding the last article of the ordinance," which is the article excluding slavery from the Northwest Terrritory. This is a precedent directly in point, and is against the exercise of the power now claimed. In 1802, Georgia ceded her western lands, she protected slavery in her grant, and the Government complied with her stipulations.

In 1803 the United States acquired Louisiana from France by purchase. There is no special reference to slavery in the treaty; it was protected only under the general term of property. This acquisition was soon after the treaty divided into two Territories—the Orleans and the Louisiana Territories—over both of which governments were established. The law of slavery obtained in the whole country at the time we acquired it. Congress prohibited the foreign and domestic slave trade in these Territories, but gave the protection of its laws to slave owners emigrating thither with their slaves. Upon the admission of Louisiana into the Union, a new government was established by Congress over the rest of the country under the name of the Missouri territory. This act also attempted no exclusion; slaveholders emigrated to the country with their slaves, and were protected by their government. In 1819 Florida was acquired by purchase; its laws recognised and protected slavery at the time of the acquisition. The United States extended the same recognition and protection.

I have thus briefly reviewed the whole territorial legislation of Congress from the beginning of the Government until 1820, and it sustains my proposition, that within that period there was no precedent where Congress had exercised, or attempted to exercise, any primary constitutional power to prevent slaveholders from emigrating with their slave property to any portion of the public lands; and that it had extended the protection of its laws and its arms over such persons, in all cases except in the Northwest Territory, where it was fettered and restrained by an organic law established before the formation of our present Constitution. In 1820 this power of Congress over the subject of slavery in the Territories was, for the first time, distinctly and broadly asserted. It was sternly resisted by the South; the struggle convulsed the republic; it resulted in what is called a compromise, by which Missouri was finally admitted into the Union without any restriction against slavery in her constitution—and slavery was prohibited in all that part of the territory acquired from France, not within the State of Missouri, lying above 36° 30′ north latitude. The South made this concession to union and harmony. It scarcely remains to be seen whether this shall be an exception to the general rule, that concessions to unjust demands are fruitful of nothing but future aggression. We are now daily threatened with every form of extermination if we do not tamely acquiesce in whatever legislation the majority may choose to impose upon us in relation to this subject. The gentleman from Massachusetts (Mr. MANN) threatens us with three millions of hostages (he means substitutes) in the persons of our slaves,

to enforce Free-Soil insolence. The gentleman from Illinois (Mr. BISSELL) threatens us with twice, thrice, yea, four times nine regiments ready to immolate themselves in this cause under pretext of supporting the Union. These are brave words, even for a militia colonel; Illinois can march down the regiments, she has sufficient numbers—how many of them she will march back again will depend upon ourselves. Gentlemen may spare their threats: he who counts the danger of defending his own honor is already degraded; the people who count the cost of maintaining their political rights are ready for slavery. The sentiment of every true man at the South will be, We took the Union and the Constitution together—we will have both or we will have neither. This cry of the *Union* is the masked battery from behind which the Constitution and the rights of the South are to be assailed. Let the South mark the man who is for the Union at every hazard and to the last extremity; when the day of her peril comes he will be the imitator of that historical character to whom the gentleman from Pennsylvania (Mr. MCLANAHAN) referred, "the base Judean who, for thirty pieces of silver, threw away a pearl richer than all his tribe."

The South acquiesced, sir, in this compromise. Texas being the next acquisition after its adoption, it was applied to that country. Our claims to Oregon being settled, and all of that country lying above the compromise line, the North applied the prohibition of slavery to the whole of that country, and the South acquiesced in it. Mr. Polk placed his approval of the bill upon that express ground. The North, after applying the compromise line to Texas, now seeks to get rid of it by restricting the just territorial rights and limits of Texas. In this we think we have just cause of complaint; but the gentleman from Ohio (Mr. CAMPBELL) manufactures out of this transaction two of the main counts in his indictment against the South. That gentleman congratulates himself upon the fact that Ohio has schoolhouses and schoolmasters at home. From the singularly inaccurate account which he gave of that very recent and marked event in our public history, I could not resist the conclusion that Ohio needed her schoolmasters. That gentleman charges the annexation of Texas upon the South, and through that policy, he says, northern labor was stricken down by the overthrow of the tariff of 1842 by the votes of the Senators from Texas.

Mr. CAMPBELL here stated that he said it was southern policy.

Mr. TOOMBS continued. Neither allegation is supported by the facts. When Mr. Tyler attempted to annex Texas by treaty, it was strongly urged upon the South on sectional grounds by distinguished gentlemen connected with his government. On its presentation to the Senate it was defeated by a large majority, embracing both northern and southern men. It was then taken up by the Democratic party as a party measure; it was declared by them to be a great American question. Mr. Van Buren was overthrown at Baltimore for opposing it; Mr. Polk was nominated for the Presidency mainly for his support of it. Upon every Democratic flag throughout the Republic—North, South, East, and West—were inscribed "Polk, Dallas, Texas, and Oregon." The Democratic party triumphed; the Whig party of the South combatted it with a fidelity equal to that of the North; both divisions of the party were overthrown in their respective sections, and a majority of the people at the North as well as the South sanctioned the annexation of Texas. After this decisive public verdict in its favor, several Whigs from the South voted for it; it had become a mere question of time and terms of annexation. Their constituents were deeply interested in the terms. I then approved and now approve their course. The tariff of 1842 fell by the same means; hostility to it was inscribed upon those same banners; it became a cardinal principle of Democratic faith; it was promulgated by the same party convention, in which the whole North was not only represented, but in which it had an overwhelming majority. If the act of 1846 is undermining northern industry, it is no fault of ours. I and every other southern Whig, except my friend from Alabama, (Mr. HILLIARD,) voted against it. I have never yet given a sectional vote in these halls. I never will. Whenever the state of public opinion in my own section shall deter me, or the injustice of the other shall incapacitate me from supporting the true interests of the whole nation and the just demands of every part of the Republic, I will then surrender a trust which I can no longer hold with honor. Neither are the consequences of the act of 1846 justly chargeable to Texas. Where was the Empire State when that battle was fought and lost? Where was New Hampshire, Maine, Michigan, Indiana, Illinois? Yes, sir, where was Ohio? Your journals will show they were in the ranks of those whom the gentleman now chooses to consider the enemies of northern labor. If the overthrow of the tariff of 1842 has paralyzed the arm of northern labor, the suicidal blow was stricken by its own hands.

To return from this digression: Our next and last acquisition was California and New Mexico. They are the fruits of successful war. We have borne our full share of its burdens—we demand an equal participation in its benefits. The rights of the South are consecrated by the blood of her children. The sword is the title by which the nation acquired the country. The thought is suggestive; wise men will ponder upon it—brave men will act upon it. I foresaw the dangers of this question; I warned the country of these dangers. From the day that the first gun was fired upon the Rio Grande, until the act was consummated by all the Departments of this Government, I resisted all acquisitions of territory. My honorable colleague before me [Mr. STEPHENS] and myself, standing upon the ground taken by the republican party in 1796 against Jay's treaty, voted against appropriating the money to carry out the treaty of Gaudalupe Hidalgo. We had no support from the South, and but half a dozen votes from the North. I saw no good prospect of adjusting fairly the question which the acquisition would present. I therefore resisted a policy which threatened the ruin of the South or the subversion of the Government. And to-day, men of the North, these are the alternatives you present us. We demand an equal participation in the whole country acquired, or a division of it between the North and the South. For very obvious reasons, founded upon natural causes, we are less solicitous about the extent of the privilege than the recognition of the principle. The first would most probably be a boon without a benefit; the last is the vital spark of our whole political system, whose extinguishment is death. The North now disavows the principle of division. After getting more than two-thirds of Louisiana, a portion of Texas, and all of Oregon under the Missouri compromise line of division, she now repudiates it. I am content. Let us stand on original constitutional principles. But let the North remember, that when she repudiates the compromise line, she is entitled to take nothing by the legislative precedents based upon that compromise. With this reservation she is not only

without a precedent, as I have already shown, for our exclusion from any part of the common territories of the Union, but such an act would be against all well-defined precedents from the beginning of the Government to this day. I have presented you the case of the South as strongly as I am able to do it, as fully as the time your rules allow me will permit. It is fortified by principle, by authority, and by the immutable principles of eternal justice. It is not only supported by the principles of our own Government, but by the fundamental principles of every good government. All just government is derived from the consent of the governed, and all power exercised without that consent is usurpation. The universal limitation upon all delegated power, whether express or implied, is, that it shall be rightfully and justly used for the common benefit of those who delegate it. No honest, intelligent man can believe, with the Constitution and its history before him, that the slaveholding States intended to confer upon Congress the power to legislate against their slave property in the Territories, or any where else. The day that you do it, you plant the seeds of dissolution in your political system. Then the House will be divided against itself, and it *must* fall. The folly of some, the timidity of others, and, perchance, the treachery of others in the South, may roll back for a season the wave that shall overwhelm and destroy it; but it will be the reflux of the advancing, not the receding tide; it shall gather strength from every breaker, and will finally accomplish its mission. The first act of legislative hostility to slavery is the proper point for southern resistance. Those in advance may fall—it is the common history of revolutions—but the cause will not fall with them; no human power can avert the result, it will triumph. Though hostile interference is the point of resistance, non-interference is not the measure of our rights. We are entitled to non-interference from alien and foreign governments. England owes us that much; France owes us that much; Russia owes us non-intervention. You owe us more. You owe us protection. Withhold it, and you make us aliens in our own Government. Our hostility to it, then, becomes a necessity—a necessity justified by our honor, our interests, and our common safety. These are stronger than all human government. Your hostility is aggravated by the causes which you allege in its defence. We had our institutions when you sought our alliance. We were content with them then, and we are content with them now. We have not sought them upon you, nor to interfere with you. If you believe what you say, that yours are so in the best to promote the happiness and good of the ment of society, why do you fear our equal petition with you in the Territories? We only that our common government shall protect both equally, until the Territories shall be ready to be admitted, as States, into the Union, then to leave their citizens free to adopt any domestic policy in reference to this subject, which, in their judgment, may best promote their interest and their happiness. The demand is just. Grant it, and you place your prosperity and ours upon a solid foundation; you perpetuate the Union, so necessary to your prosperity; you solve the true problem of Republican Government; you vindicate the power of constitutional guarantees to protect political rights against the will of majorities. I can see no reasonable prospect that you will grant it. The fact cannot longer be concealed, the declaration of members here proves it, the action of this House is daily demonstrating it, that we are in the midst of a legislative revolution, the object of which is to trample under foot the Constitution and the laws, and to make the will of the majority the supreme law of the land. In this emergency our duty is clear; it is to stand by the Constitution and laws, to observe in good faith all of its requirements, until the wrong is consummated, until the act of exclusion is put upon the statute book; it will then be demonstrated that the Constitution is powerless for our protection; it will then be not only the right but the duty of the slaveholding States to resume the powers which they have conferred upon this Government, and to seek new safeguards for their future security. It will then become our right to prevent the application of the resources of the Republic to the maintenance of the wrongful act.

The gentleman from Massachusetts (Mr. MANN) says the volcano is raging beneath our feet, that thunders are rolling over our heads, and that thick clouds are surrounding us. If it be true, let the aggressor tremble. We who are contending for a principle essential to our interest, our safety, and our political equality in this Union, can suffer no greater calamity than its loss. This is an appeal from the argument to our fears. I answer that appeal in the patriotic language of a distinguished Georgian, who yet lives to arouse the hearts of his countrymen to resistance to wrong: When the argument is exhausted we will stand by our arms.