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SPEECH

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MR. CLAY, OF KENTUCKY,

ON THE

MEASURES OF COMPROMISE.

DELIVERED IN THE SENATE OF THE UNITED STATES, JULY 22, 1850.

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MR. CLAY, OF KENTUCKY,
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MEASURES OF COMPROMISE.

DELIVERED IN THE SENATE OF THE UNITED STATES, JULY 22, 1850.

The Senate having under consideration the bill for the admission of California into the Union, the establishment of Territorial Governments for Utah and New Mexico, and making proposals to Texas for the settlement of her northern and western boundaries; and the pending question being on the amendment of Mr. FOOTE, proposing to reduce the boundaries of California—

Mr. CLAY. Mr. President, I hope that this amendment will not be pressed at this moment, but that we shall have some time for its consideration. If Senators desire it, I will move that it be printed.

The PRESIDENT. It has been printed.

Mr. CLAY. I was not aware of that.

Mr. President, it is known to the Senate that it has been my hope and expectation that we should dispose of all the amendments either proposed or to be proposed to the bill, and that upon the question of its engrossment I intended, with the permission of the Senate, to occupy some portion of its time in taking a rapid review of some of the objections that have been made to the adoption of the measure under consideration, and then to submit it into those hands in which, by the Constitution of the country, the responsibility is placed. The events of Saturday, of which we possess information, deprived us of the opportunity of employing that day in the consideration of those amendments which were intended to be submitted, or were yet before the Senate. But as some rather impatient anxiety has been manifested to arrive at the conclusion of this important subject—an anxiety in which, to some extent, I share with others—I have risen this morning to perform a duty towards the Committee and to the subject which my position prompts me to endeavor to execute.

I say some impatience has been manifested. I do not mean it in any unkind sense. The honorable Senator from New Hampshire (Mr. HALE) who now sits on my left, has upon two occasions moved to lay this bill on the table; and his motion was made with all the air of conscious power—as if he felt perfectly secure not merely of the general result, but in his being co-operated with by all the opponents of the bill. It is true the Senator finally most graciously condescended to withdraw his motion to lay the bill upon the table, at my instance, for which I am profoundly grateful. But as I do not desire again to place myself in any attitude of solicitation with regard to the progress and the final disposition of this bill, I have risen, I repeat, now to perform a duty which appertains to my position.

Mr. President, in the progress of this debate it has been again and again argued that perfect tranquillity reigns throughout the country, and that there is no disturbance threatening its peace, endangering its safety, but that which was produced by busy, restless

politicians. It has been maintained that the surface of the public mind is perfectly smooth and undisturbed by a single billow. I most heartily wish I could concur in this picture of general tranquillity that has been drawn upon both sides of the Senate. I am no alarmist; nor, I thank God, at the advanced age at which His providence has been pleased to allow me to reach, am I very easily alarmed by any human event; but I totally misread the signs of the times, if there be that state of profound peace and quiet, that absence of all just cause of apprehension of future danger to this Confederacy, which appears to be entertained by some other Senators. Mr. President, all the tendencies of the times, I lament to say, are towards disquietude, if not more fatal consequences. When before, in the midst of profound peace with all the nations of the earth, have we seen a convention, representing a considerable portion of one great part of the Republic, meet to deliberate about measures of future safety in connexion with great interests of that quarter of the country? When before have we seen, not one, but more—some half a dozen—legislative bodies solemnly resolving that if any one of these measures—the admission of California, the adoption of the Wilmot proviso, or the abolition of slavery in the District of Columbia—should be adopted by Congress, measures of an extreme character, for the safety of the great interests to which I refer in a particular section of the country, would be resorted to? For years this subject of the abolition of slavery, even within this District of Columbia, small as is the number of slaves here, has been a source of constant irritation and disquiet. So of the subject of the recovery of fugitive slaves who have escaped from their lawful owners; not a mere border contest, as has been supposed—although there, undoubtedly, it has given rise to more irritation than in other portions of the Union—but every where through the slaveholding country it has been felt as a great evil, a great wrong, which required the intervention of Congressional power. But these two subjects, unpleasant as has been the agitation to which they have given rise, are nothing in comparison to those which have sprung out of the acquisitions recently made from the Republic of Mexico. These are not only great and leading causes of just apprehension as respects the future, but all the minor circumstances of the day intimate danger ahead, whatever may be its final issue and consequence. The establishment of a paper in this city—a sectional paper—and I wish I could say that upon all occasions it propagated truth with more attention than in a particular instance it has done—a sectional paper is established here to espouse, not the interests of the entire Union, but the interests of a particular section. The allusion I made with regard to a departure from the truth, which has incidentally come to my notice, was called forth by an assertion made, that in the State of Kentucky there was existing great diversity of opinion upon the subject of the adoption of this measure, and that the Constitutional Convention of that State had unanimously, or nearly unanimously, rejected a proposition in favor of the compromise. Why, directly the reverse is the fact. I should not have observed it at all, had I not noticed on yesterday that it was copied in a paper in Mobile, and was spoken of as an undoubted fact that even in the State of Kentucky there was great division on the subject of the compromise. I will say in my place, with the authority which appertains to my position, that for fifty years I have never known so much unanimity upon any question in that State. It is a State from which I received a letter from a gentleman, formerly a Democratic member of Congress, known very well to my friend from Indiana, now in my eye, from the county of Henry, one of the most populous counties in that State, in which there is a majority of Democratic voters, and in an aggregate of 1,900 voters, this gentleman—an honorable gentleman, I am proud to say, though I differ from him in politics—says that, as far as he knows or believes, there is not a solitary individual to oppose it; and the Constitutional Convention of Kentucky, instead of opposing it by a unanimous vote of the body, expressed its approbation of this pending measure, by an unanimous vote. One of the misfortunes of the times is the difficulty in penetrating the Northern mind with truth; to make it sensible to the dangers which are ahead; to make it comprehend the consequences which are to result from this or that course; to make it give a just apprehension to all the events which have occurred, are occurring, or which must evidently occur. I said minor as well as major circumstances and events were all tending, rapidly, as I fear, to a fatal issue of the matters in controversy between the different sections of the Union.

I have seen a pamphlet—and it has been circulated with great industry—containing an exposition of political economy, written in a style well calculated to strike the mind of the masses, but full of error and exaggeration from one end of it to the other—errors of every sort—setting forth in the strongest terms the supposed disadvantages resulting from the existence of this Union to the Southern portion of the Confederacy, and por-

traying in the most lively hues the benefits which would result from separating and setting up for themselves.

Mr. President, I will not dwell upon other concomitant causes, all having the same tendency, and all well calculated to awaken, to arouse us—if, as I hope the fact is, we are all of us sincerely desirous of preserving this Union—to rouse us to dangers which really exist, without underrating them upon the one hand, or magnifying them upon the other.

It was in this stage, or state, rather, of the Republic, that my friend from Mississippi, (Mr. FOOTE,) something more than four months ago, made a motion for the appointment of a Committee of Thirteen. Unlike what occurred at an analogous period of the Republic, when it was my duty to make a similar motion in the other end of the Capitol, and when, on account of the benefits which might result from the reconciliation of a distracted country, the proposition was immediately adopted—on the present occasion, unlike what occurred at that historical period, the proposition of the honorable Senator from Mississippi was resisted from day to day, from week to week, for four or five weeks. An experiment to restore the harmony of the country met with the most determined and settled resistance, as if the measure which the committee might report, whatever might be its character, would not still be under the power and control of the Senate, to be disposed of by it according to its own best judgment. Finally, however, the motion prevailed. A majority of the Senate ordered the committee to be appointed; and among the reproaches which were brought forward against that appointment of the committee by the Senator from Massachusetts now in my eye, (Mr. DAVIS,) it was stated that that committee was organized and created by only a bare majority of the Senate. Sir, does such a reproach as that lie in the mouth of the Senator, or of others who acted with him? A sense of my duty in this body, or in any body of which I am a member, prompts me to respect the opinion of the majority of the Senate, and to conform to it as far as is consistent with my views, and when not so to record my vote along with the minority. But in this case, upon the constitution of this committee, only about thirty or thirty-one members of the Senate voted at all; because the honorable Senator, and others who concurred with him in opposing the constitution of the Committee, choose to sit by in such silence, although members of the body—a minority of the body, it is true—without voting, as it was their duty to do. Is this contumacy on their part now to be made a ground of objection to the character, constitution, or labors of this committee?

Well, the Committee was finally raised and went out. Of its composition it does not become me to speak, nor is it necessary to say any thing. The country, the Senate will judge of that. Without, however, saying a word in respect to the humble person who now addresses you, I may be permitted to say that a large portion of that committee consisted of gentlemen who had honorably served their country in the highest stations at home and abroad—men of ripe experience, and whose large acquaintance with public affairs entitled them at least to respectful consideration when they were engaged in the holy office—if I may use the expression—of trying to reconcile the discordant parts of this distracted country. After having expended some two weeks upon their labors in their chamber, the Committee agreed upon a report deliberately made. It had hardly been presented before all sorts of epithets were applied to the Committee. They were called the thirteen doctors, not in kindness—for the honorable Senator from New Jersey (Mr. DIXON) seemed not only disposed to deny their healing powers, but to intimate even that they were thirteen quacks; (laughter;) that, instead of bringing forward a measure to cure and heal the public disease, they had brought forward a measure that only aggravated the disorders of the country, and calculated to threaten it with more agitation. Mr. President, I need not use one word of recriminatory language. I leave it to the Senate and to the country, and even to the Senators themselves who have indulged in such expressions, deliberately to consider whether a measure intended, at any rate, as an olive branch, presented under such auspices as this was, ought to have been so treated, and whether the Committee who presented it ought to have been so treated?

Well, sir, the Committee presented their measure, or rather their system of measures, coextensive with all the existing disorders of the country, in relation to the subject of slavery—a system which, if allowed to produce its beneficent effects—and which I entertain the highest confidence it will produce, if it be adopted by Congress—leaves nothing in the public mind to fester and agitate the country.

The three first measures reported by the Committee are those now under consideration—the admission of California, the establishment of Territorial Governments for Utah and New Mexico, and the adjustment of the boundary between New Mexico and Texas.

With respect to the other two measures, I shall say but little at this time. It will be in order to speak of them when they come up for debate. I cannot forego, however, the opportunity of remarking that really I think the honorable Senator from Virginia (Mr. HUNTER) has manifested too much eagerness to go aside to make occasions of fault-finding with the character of those measures. He has misrepresented, as I think, not intentionally no doubt, but misrepresented, as you yourself showed very properly, the nature of those bills. But, whatever may be their character at present, when they are taken up to be considered by the Senate, it will be in the power of the Senate to modify them according to the wishes of the honorable Senator from Virginia. In two important particulars that Senator misconceives the character of these two measures. First, in relation to the remedy by record in the recovery of fugitive slaves. That was intended to be, as his colleague could have told him, merely a cumulative remedy to that already in existence.

Mr. MASON, (interposing.) I am sure the Senator will indulge me one moment. My colleague is not now in his seat. When he proceeded to discuss this measure upon a former day, he was promptly called to order and not allowed to proceed. I do not intend to call the Senator from Kentucky to order; but I submit to the Senator whether it is altogether courteous to refer to remarks of my colleague which he was not allowed to pursue.

Mr. CLAY. I do not mean to go further than the Senator himself did. I have remarked that I do not mean to argue this question at large. I wish to answer the objections only which were urged, after which I shall pass over the subject. I should have almost concluded by this time, if the honorable Senator had not thought it his duty to interpose. I was merely going to observe that the remedy of carrying a transcript of the record to the State to which the fugitive had fled, which his colleague alluded to, in the bill for recovering fugitive slaves, was merely cumulative. And I also intended to observe that there is nothing in the bill which proposes the abolition of the slave trade in the District of Columbia, which prevents the slaveholder from passing through the District, in transitu, with his body-servant—nothing to prevent him from retaining him here in his possession. The only object was to revive the law of Maryland; and to declare that if a slave be brought her for *sale*, then the person who brings him here for that purpose shall be liable to the penalty provided for in the law. But I pass on this subject. I mean to confine myself, while I address the Senate, to the three pending measures.

Mr. HUNTER. Will the Senator from Kentucky allow me to explain? I do not wish to prevent him—because I was called to order—from going into the subject as fully as he may choose. I hope he will be permitted to do so, if he has any such desire. In relation to that provision of the act prohibiting the slave trade in the District of Columbia, he will find, if he will refer to that resolution, that it contains a prohibition of an introduction of slaves here for the purpose of being transported elsewhere. If that prohibition to transport them elsewhere would not cover the case of a man who has arrested a fugitive, and brought him and deposited him here while on his way home, or that of the man who should be accompanied by his slaves while emigrating to another country, I do not know what language could be framed that would do so. I have not the resolutions by me, or I would read the provision.

Mr. CLAY. I am pretty sure the honorable Senator is mistaken, and that it will be found so upon looking at the bill. He speaks of resolutions. I put it to the candor of the Senate, why the honorable Senator should go back to the resolutions offered by me in the beginning of the session. The question is not with regard to them, or whether they be compatible or not with the measures reported by the committee, but in respect to the bill, which differs in several important particulars from my resolutions. The committee presented such measures as were agreeable to them; and with respect to the abolition of the slave trade in the District of Columbia, it was their intention simply to revive the law of Maryland, and to provide for the case of the introduction of slaves into the District as merchandise.

Mr. HUNTER. The Senator will pardon me. When I used the word "resolutions" I meant the bill, and I find, on examination, that the bill is as I have stated.*

Mr. CLAY. Very well. With regard to the intention, that is as I have stated. If the language does not effect that intention, we should all be very willing to give it a form acceptable to the Senator from Virginia. The language was only designed to prohibit that slave trade which consists of purchasing and bringing slaves into the District

of Columbia, and putting them into depots here for the purpose of being transported to foreign and distant markets. As to an idea which has been mentioned here upon a former occasion, I have already said that if a person residing in the District chooses to go out of the District five or ten miles, and purchase slaves for himself, the law would not prevent him from doing so. But I am taking up more time on this subject than I intended. When the proper time arrives for its discussion the bill will be vindicated from the errors into which, I still think, the honorable Senator from Virginia has fallen. I have stated that it was my intention to confine my observations to the three measures under consideration—the admission of California as a State, Territorial Governments for the two Territories, and the establishment of the boundary between Texas and New Mexico.

It is a most remarkable circumstance connected with the debate upon and the progress of this measure, that that feature of the bill which was supposed to be less likely to encounter objection—that measure which it has been asserted would draw after it, by the force of its own attraction, the other measures contemplated in the bill—it is truly remarkable that the measure of the admission of California has encountered the most of the difficulties which have been developed in the progress of the bill. The Senator from Louisiana, (Mr. SOULE,) the Senator from Georgia, (Mr. BERRIEN,) and yourself, sir, (Mr. KING,) have all directed your attention mainly to the subject of the boundaries of California, and to the representation proposed for California by the measure under consideration. I believe, with very slight, if any further modification, all three of the Senators to whom I have referred would have been willing, if they could have been satisfied with regard to California, to vote for the whole measure. But it is California which we have been charged with introducing into this bill for the purpose of conciliating support for other measures; it is California that has created all the difficulties, or at least the chief part of the difficulties, which the bill has encountered. Now, Mr. President, what may be the ultimate vote which may be given, in consequence of the mode in which California is bounded, by the three Senators to whom I have referred, depends upon their own judgment, and upon their own proper sense of duty. I must say to them—and I hope they will take it in the same kind and candid spirit in which it is mentioned—that I cannot see the slightest reason why they should reject the whole measure because there is something in it dissatisfactory to them in respect to California. They know that if this measure is defeated, the chairman of the Committee on Territories (Mr. DOUGLAS) will call up the California bill separately, and that it will be passed as it is—with all its exceptionable features of extended limits and full representation—in both Houses, by a considerable majority. Will they, then, on account of the California part of the bill—the passage of which, when presented singly, may be regarded as an inevitable event—will they on account of any difficulties not amounting to constitutional difficulties—for I admit, if gentlemen have, on a deliberate review of their opinions, difficulties of a constitutional nature, nothing can or should overcome them—will they be constrained, from the necessity resulting from entertaining those opinions, to vote against the entire measure?

But, sir, as I happen to hold directly the opposite opinion, that there is nothing constitutional in any of the objections taken to the admission of California, and as I trust these Senators will themselves perceive that there is no constitutional ground of objection—that it is altogether matter of expediency, addressing itself to the sound discretion and deliberate judgment of Congress—I do hope and trust, on account of the objections that exist to the admission of California, when they perceive it is a part of a great system of reconciliation and harmony to the country, they will not be disposed to reject the benefits and compensations to be found in other parts of the bill; because they know full well that California, just as she has presented herself, with the representation proposed by her, will be inevitably admitted, provided this bill is defeated. They must also well know that the admission of California alone, without any measure accompanying it, will have the unavoidable tendency of aggravating the sense of wrong and injury—whether well or ill-founded—that exists in the quarter of the Union from which the Senators to whom I referred come.

* The bill referred to was reported to the Senate by Mr. CLAY on the 8th of May, entitled "A Bill to suppress the slave trade in the District of Columbia," and provides as follows:

Be it enacted, That from and after the _____ day of _____ next, it shall not be lawful to bring into the District of Columbia any slave whatever, for the purpose of being sold, or for the purpose of being placed in depot, to be subsequently transferred to any other State or place. And if any slave shall be brought into the said District by its owner, or by the authority and consent of its owner, contrary to the provisions of this act, such slave shall thereupon become liberated and free.

With respect to the Territorial Governments, it is also a fact worthy of remark that scarcely a Senator who has risen upon this floor has failed to acknowledge the duty of Congress to provide Territorial Governments. Every Senator, almost, who has spoken on the subject, has admitted that Territorial Governments ought to be provided; some wishing for the Wilnot proviso, and others objecting to the proviso; but, with or without the Wilnot proviso, I have not heard a solitary Senator say that it was not the bounden duty of Congress to institute Territorial Governments for these Territories.

With regard to another plan of disposing of the question—the plan which, upon a former occasion, I characterized as the plan of the Executive—of the late President of the United States—I shall have a few brief observations to make. Allow me to take this occasion—the only suitable one, in my opinion—of expressing my deep regret and my profound sympathy with the family of the illustrious deceased. I had known him, perhaps, longer than any other man in Washington. I knew his father before him—a most estimable and distinguished citizen of Kentucky. I knew the late President of the United States from the time he entered the army until his death, although not seeing him often, in consequence of our operations in different spheres of public duty in our country. He was an honest man—he was a brave man: he had covered his own head with laurels, and had added fame and renown to his country. Without expressing any judgment upon what might have been the just appreciation of his administration of the domestic civil affairs of the country, if Providence had permitted him to serve out his term, I take pleasure in the opportunity of saying, in reference to the foreign affairs of our Government, that in all the instances of which any knowledge has been obtained by me of the mode in which they were conducted by the late Administration, they have met with my hearty and cordial concurrence. During the residue of the remarks which I may address to you, if I shall have occasion to say any thing upon the plan proposed by the late President, it will be with the most perfect respect to his memory—without a single feeling of unkindness abiding in my breast. Peace to his ashes! and may he at this moment be enjoying those blessings in another and a better world, which we are all desirous, sooner or later, to attain!

But with respect to the mode of getting over the difficulty in regard to New Mexico, the plan was that New Mexico should come in as a State, as soon as she had organized a State, adopted her constitution, and presented it here. Now, Mr. President, the Senator from New Jersey, who sits near me, (Mr. DAYTON,) argued in this way: “You of the Committee have given to the people of New Mexico the power of legislation—the power to elect their legislators—the power to pass such laws as may be best adapted to their condition; and where is the difference between the powers with which they are so invested, and receiving New Mexico as a member of the Union, represented in both branches of Congress?” Why, Mr. President, there is all the difference in the world. There is scarcely any people so low in the stage of civilization, even the Esquimaux, the Indians on any portion of our continent, that they may not comprehend and be able to adopt laws suited to their own condition—few, simple, clear, and well understood; for in their uncivilized state it is not necessary to them to have a cumbrous code of laws. But it is a widely different thing whether the people of New Mexico may not be capable of passing laws adapted to their own unripe and yet half-civilized condition. I speak not of the American portion of the population there, but of the Indians, the Pueblo Indians, and some of the half-bloods. It is a very different thing whether they may not be capable of enacting laws suited to their own condition, or whether they may have two Senators on this floor and members in the other House, to survey the vast and complicated foreign and domestic interests of this great republic, and legislate, not for themselves only, but for us and our present generation.

For one, sir, I must say I should be utterly unwilling to receive New Mexico as a State in her present immature condition. A census will be shortly taken, and we shall then know the exact condition of her population. If I am not greatly deceived in my opinion, it will turn out that there are not perhaps one thousand American citizens within the limits of New Mexico, and perhaps not above 8,000 or 10,000 of Mexicans and mixed breeds, exclusive of Pueblo and other Indians, and they certainly not in a condition to comprehend the duties and attend to the rights and obligations which belong to the exercise of the government of the people of the United States. It will turn out, I am quite sure, when the returns of the census are made, that there is no stated population in New Mexico, such as would justify us in receiving her into the Union, and in giving seats to be occupied by members from that State—may I not say it?—in this august assembly.

Now, sir, New Mexico herself was conscious of her own imperfect condition. New Mexico was desirous of a Territorial government. If she has been pushed upon the proposal of a government of a different character, to which her population and her condition did not adapt her, it has only been in consequence of her extreme necessity, pressing her to despair upon her part of obtaining any Territorial government.

Thus, then, Mr. President, we all agree about the necessity of a Territorial government, with or without the Wilmot proviso. We all agree about the necessity of an adjustment of the Texas boundary—a boundary out of which I say there is imminent danger of springing—if the question be not adjusted during the present session of Congress—one, if not two civil wars—the civil war between the people of New Mexico, in resistance to the authority of Texas, to which they are utterly averse, and the civil war lighted up on the Upper Rio Grande, which may, in time, extend itself to the Potomac. All, therefore, must agree—all have felt—every Senator who has expressed his opinion upon this subject during the progress of this debate has avowed his conviction of, the necessity of an adjustment, a compromise, a settlement of this boundary.

It has been objected against the measure that it is a compromise. It has been said that it is a compromise of principle, or of a principle. Mr. President, what is a compromise? It is a work of mutual concession—an agreement in which there are reciprocal stipulations—a work in which, for the sake of peace and concord, one party abates his extreme demands in consideration of an abatement of extreme demands by the other party; it is a measure of mutual concession—a measure of mutual sacrifice. Undoubtedly, Mr. President, in all such measures of compromise, one party would be very glad to get what he wants, and reject what he does not desire, but which the other party wants. But when he comes to reflect that, from the nature of the Government and its operation, and from those with whom he is dealing, it is necessary upon his part, in order to secure what he wants, to grant something to the other side, he should be reconciled to the concession which he has made, in consequence of the concession which he is to receive, if there is no great principle involved, such as a violation of the Constitution of the United States. I admit that such a compromise as that ought never to be sanctioned or adopted. But I now call upon any Senator in his place to point out, from the beginning to the end, from California to New Mexico, a solitary provision in this bill which is violative of the Constitution of the United States.

Sir, adjustment in the shape of compromise may be made without producing any such consequences as have been apprehended. There may be a mutual forbearance. You forbear upon your side to insist upon the application of the restriction denominated the Wilmot proviso. Is there any violation of principle there? The most that can be said, even assuming the power to pass the Wilmot proviso, which is denied, is that there is a forbearance to exercise, not a violation of, the power to pass the proviso. So, upon the other hand, if there was a power in the Constitution of the United States authorizing the establishment of slavery in any of the Territories—a power, however, which is controverted by a large portion of this Senate—if there was a power under the Constitution to establish slavery, the forbearance to exercise that power is no violation of the Constitution, any more than the Constitution is violated by a forbearance to exercise numerous powers that might be specified that are granted in the Constitution, and that remain dormant until they come to be exercised by the proper legislative authorities. It is said that the bill presents the state of coercion—that members are coerced in order to get what they want, to vote for that which they disapprove. Why, sir, what coercion is there? Is there any coercion in the numerous treaties made by the United States—the treaty in settling the Maine boundary; the treaty coming down from 54 deg. 40 min. to 49 in Oregon; all treaties which have been made upon commerce, upon boundaries, and other questions from time to time by the United States, upon the principle of mutual and reciprocal concession upon the part of those who made them? Is there any more coercion in this case than in the passage of a bill containing a variety of provisions, some of which you approve and others of which you disapprove? Can it be said, upon the part of our Northern friends, because they have not got the Wilmot proviso incorporated in the territorial part of the bill, that they are coerced—wanting California, as they do, so much—to vote for the bill, if they do vote for it? Sir, they might have imitated the noble example of my friend (Mr. COOPER) from that State upon whose devotion to this Union I place one of my greatest reliances for its preservation. What was the course of my friend upon this subject of the Wilmot proviso? He voted for it; and he could go back to his constituents and say, as all of you could go back and say to your constituents, if you chose do so, “We wanted the Wilmot proviso in the bill; we tried to get it in, but the majority of the Senate was against it.” The ques-

tion then came up whether we should lose California, which has got an interdiction in her constitution, which, in point of value and duration, is worth a thousand Wilmot provisos; we were induced, as my honorable friend would say, to take the bill and the whole of it together, although we were disappointed in our votes with respect to the Wilmot proviso—to take it, whatever omissions may have been made, on account of the superior amount of good it contains.

It is said, Mr. President, that this “omnibus,” as it is called, contains too much. I thank, from the bottom of my heart, the enemy of the bill who gave it that denomination. The omnibus is the vehicle of the people, of the mass of the people. And this bill deserves the name for another reason: that, with the exception of the two bills which are to follow, it contains all that is necessary to give peace and quiet to the country. It is said sometimes, however, that this omnibus is too heavily freighted, and that it contains incongruous matter. I shall not repeat the argument which I have addressed to you heretofore, showing that, according even to the British Parliamentary law, but more especially according to the Congressional law, this bill is in conformity with practice in innumerable instances. But the ostensible objection that it contains too much matter is not the real one. Do you believe that the Senator who sits before me, (Mr. BALDWIN,) and other Senators in this neighborhood, if you would attach to the Territorial bills the Wilmot proviso, would have seen the incongruity or felt any intolerable burden? Would not the Senator even from Massachusetts (Mr. DAVIS) have voted for the whole of this incongruous bill with pleasure, if it had only contained the Wilmot proviso? It is not that the bill has too much in it: it has too little, according to the wishes of its opponents; and I am very sorry that our omnibus cannot contain Mr. Wilmot, whose weight would break it down, I am afraid, if he were put there. [Laughter.] This incongruous measure, which has already too much matter in it, has not enough for the Senator from Tennessee, (Mr. BELL.) He wants to put in it two or three more States from Texas, provisionally, upon the event of their becoming applicants for admission into the Union. No, sir; it is not the variety of the matter—it is not the incongruity, the incompatibility of the measures and the bill, but it is because the bill does not contain enough to satisfy those who want the “Wilmot,” as it has been properly called, placed in the omnibus.

Why, Mr. President, incongruous as it may be supposed, this measure has not half the incongruity of the elements of opposition to the bill. While upon this part of my subject, allow me to answer an argument delivered with all possible self-clamency by the honorable Senator near me (Mr. HALE) the other day. He said he had gone into a certain apartment of this Capitol, and there he had found my friend from Michigan (Mr. CASS) and myself in close conversation; and the Senator from Mississippi (Mr. FOOTE) with a Senator now no longer in his place, but a Senator called by a grateful country to a more responsible station, and who has left us only this morning, (Mr. WEBSTER.) I might have inquired how the Senator came there. May I ask to what keyhole he applied his ear or his eye—in what curtain he was ensconced—to hear and perceive these astonishing circumstances, which he narrated with so much apparent self-satisfaction? [Laughter.] Sir, I have been in repeated consultation with my friend (Mr. CASS)—for so I will call him, and he has shown himself to be the friend of the peace of his country—during the progress of this measure, and also with other Democratic friends upon this measure. Repeatedly have I been in consultation with them upon the subject of this bill and the amendments which have been proposed. I regret only that our consultations have not been more numerous and of longer duration. But how stands the matter with us, with the friends of this bill? On the subject of slavery, the treatment of California, the Territories, the adjustment of the boundary of Texas, the fugitive slave bill, and the bill for abolishing the slave trade, there is no difference of opinion between my Democratic friends whom I have consulted and myself; but there has been perfect union during all our consultations. Allow me to say that there is not a solitary instance in which a subject connected with party politics, upon which we might have heretofore differed in the progress of the administration of our Government, has been adverted to. We spoke of that measure which absorbed all our thoughts, which engrossed all our hopes, which animated all our anxieties—the subject of pacifying, if possible, the distracted parts of this country—a subject upon which, between us, there was a perfect coincidence of opinion.

But how does the matter stand with the extremes who are united against this measure? Why, they are extremes upon this very measure, and upon this very

subject of slavery! Upon the very subject under consideration there is among them no union of sentiment, no coincidence of opinion, and yet a most cordial and confidential co-operation. In our meetings upon this subject, in our consultations, Democrats and Whigs convened and consulted together. They threw aside, as not germane, and as unworthy of their consideration, all the agitating party politics of the day; and I venture to say that, in those meetings between my Democratic friends and myself, there was no diversity or contrariety of opinion upon the only subject that brought us together. If I am not utterly mistaken, there are no such union and coincidence of opinion between the opponents of this bill, who, upon the very subject of slavery to which it relates, are as wide apart as the north and south poles. Some of the opponents of this bill have had quite as frequent consultation as its friends. Whether the Senator near me, from New Hampshire, (Mr. HALE,) was present or not, I am not able to say. I do not recollect to have heard that he was one of them; but I—

Mr. BUTLER, (interposing.) I hope that the Senator—

The PRESIDENT. Does the Senator from Kentucky yield the floor?

Mr. CLAY. No, sir, unless it is for an explanation.

Mr. BUTLER. I only wish to know of one meeting of the particular kind alluded to, caucus or any thing of that sort, where these incongruous elements have met together.

Mr. CLAY, (resuming.) I was going to exonerate you from the association, and I only wish I could separate you upon the final vote. [Laughter.] I am afraid we shall find you then together. Whose eyes have not witnessed the consultations between the extremes of this chamber from day to day? The eyes of every discerning Senator must have noticed it. But whether in the consultation between these ultra gentlemen from the South there was any mixture of the abolition element which is near me or not, I was about to remark that I could not say. I have not heard, indeed, that the Senator from New Hampshire (Mr. HALE) was present. But if he was absent, and those others about to vote upon the final question with some of our friends upon the other side, there is no doubt of the fact, from what I have heard, that the consultations of some of the opponents of the bill were quite as frequent as any which have taken place between the friends of the bill.

Mr. DAYTON, (interposing.) I dislike to interrupt the Senator; but I desire, as one of the opponents of this bill on the side of this chamber, to disclaim all knowledge, either direct or indirect, of any such meeting for consultation upon this subject.

Mr. CLAY. Does the Senator deny all consultation?

Mr. DAYTON. I have no knowledge of any.

Mr. CLAY. I alluded more particularly to some Senators whose consultations, as I have heard, have been frequent, very frequent; but I do not assert it as a fact.

Mr. MASON. I would ask the Senator, when he alludes to Southern Senators, of whom I am one, if he would be good enough to declare whether he ever heard, or whether he has any reason to believe, that Senators from the Southern States have met in consultation upon this bill with any Senator from the free States?

Mr. CLAY. No, sir; I had not heard so. But at the same time I would ask the Senator from Virginia whether they have not had frequent consultation amongst themselves?

Mr. MASON. I will answer freely. There certainly have been frequent consultations between Senators from the Southern States upon questions involving the dignity, honor, and safety of the Southern States, involved as they conceived in the provisions of this bill.

Mr. CLAY. And so, undoubtedly, did our consultations relate to the dignity, honor, and safety of the Union, and the Constitution of our country. (Loud applause from the gallery.)

The PRESIDENT. Order! The Sergeant-at-Arms will clear the gallery if order is not preserved. The Chair will not permit the applause to be repeated; if it is, he will be under the necessity of ordering all persons to leave the gallery.

Mr. CLAY. Mr. President, there is neither incongruity in the freight nor in the passengers on board our omnibus. We are all heartily concurrent upon the only topic which brought us together, and which constitutes the sole subject of our consultation.

We have no Africans or abolitionists in our omnibus—no disunionists or free-soilers, no Jew or Gentile. Our passengers consist of Democrats and Whigs, who, seeing the crisis of their common country, and the dangers impending over it, have met together, forgetting and throwing far behind them their political differences on other subjects, to compare their opinions upon this great measure of reconciliation and harmony.

Mr. President, how stand the questions which have formed the subjects of our deliberation so long? One party wants the immediate admission of California, and wants the imposition of the proviso in the Territorial Governments. The other party wants the limits of California circumscribed, and the Missouri compromise line applied—some of them with the express recognition of the right to carry slaves south of it; others without such a recognition, trusting to an implied constitutional right; and these other parties are strenuously opposed to the proviso. Some, again, want the Texas boundary settled, and others want it to be left open. These are the conflicting opinions which we recognise in this body. How are they to be adjusted? Is there a Senator or member of the House, is there a man in this wide country, who will say that Congress ought to adjourn without settling these questions? Not one. How are these conflicting opinions to be adjusted, then? Can it be otherwise done than by meeting in the spirit of amity and conciliation, and reconciling the great interests to be preserved and promoted by union and concord?

The honorable Senator from Massachusetts (Mr. DAVIS) says there are no parties who can make a compromise. Will the Senator excuse me for saying that this remark smells too much of the technicality of Blackstone? No parties! Are there not great conflicting interests, conflicting opinions, pervading the whole country? Who are the parties in that greatest of all compromises—the Constitution of the United States? There were no technical parties to that instrument; but in deliberating upon what was best for the country, and perceiving that there were great and conflicting interests pervading all its parts, they compromised and settled them by ample concession, and in the spirit of true patriotic amity. They adjusted these conflicting opinions; and the Constitution under which we sit at this moment is the work of their hands—a great, a memorable, magnificent compromise, which indicates to us the course of duty when differences arise which can only be settled by the spirit of mutual concession. Sir, do we not know, and have we not reason to apprehend, that without a combined measure you can do nothing? I have heard, Mr. President, that a different temper prevails at this time—that it is possible to carry these measures if they are presented in succession, just as they have been reported by the Committee. I take the occasion to say, and I am sure I express the sentiment of every member of the Committee, that we are not prompted by the pride of opinion, or wedded to any given system of arrangement or settlement of these great national questions. We preferred combining them in one measure because we thought it most practical and most likely to lead to an auspicious result. But if it cannot be adopted in the conjoint form reported by the Committee, and if the desired object can be better attained by action upon a series of successive measures, without the odious proviso, not a murmur of complaint, I am quite sure, will ever be heard from a single member of the Committee. It is not the means, it is the great specific end we have in view; and however that end is attained—whether by such an arrangement as this Committee has proposed, or by separate act of legislation—the Committee and myself are utterly indifferent. But it is known to you that if all the measures comprised in the bill under consideration are not passed, there is danger that in the presentation of these measures in detail, some of them would fail; and the result would be, that whilst one party got all that it immediately wanted, the other would obtain nothing which it desired. You know there was great cause to apprehend—I hope there may be none now—that, in the separate presentation of the measures, the consequence would be the attachment of the Wilmot proviso in one or the other of the two Houses, and the utter failure to establish any Territorial Governments for Utah and New Mexico. It was thought then that, in the spirit of our revolutionary sires, in the spirit which has heretofore pervaded all our Government, conciliating and reconciling as much as possible opposing and conflicting interests and opinions, we would present a measure which would bind all, and that would lead both parties, as far as practicable, to unite upon it for the sake of harmony and tranquillity. We thought then, as I think now, that Senators from the Northern States might go home to their constituents, after this measure shall have been passed, and say, “We have got California; she is secure; there is a prohibition of slavery in her constitution that will last perhaps forever; whereas the Wilmot proviso

would have had a limited and an evanescent duration, existing while the Territorial form of government remained, but ending whenever the State should come to form for herself a constitution." This, our Northern Senators might say with great propriety to their constituents: "We have secured California for you; she is dedicated now and forever to that free-soilism which you so much prize." "Well; but why, then," they might reply, "have you not put in a restriction in the Territorial bill, so as to secure that, at least until they come to be ripe enough to form State Governments for themselves?" Would it not be a satisfactory reply to them to say, that in your opinion, and in the opinion of a large portion of this Senate, the law of Nature, and of Nature's God excluded slavery from these Territories, and, according to your opinion also, the *lex loci* of the land also exclude slavery? And might you not further add, with propriety, that you endeavored to reconcile the distracted and disunited portions of this great empire, and you thought that no imposition or restriction was necessary to any object which you desired to attain, and in a spirit of conciliation, therefore, you forbore to vote against the final measure, because it secured so much of what the North wanted? Could you not say that you were not in danger of losing what you also wanted in respect to the residue of the country?

This subject has presented one of the most extraordinary political phenomena that I ever witnessed. Here is a united Senate almost in favor of all the measures in detail—in favor of the admission of California; in favor of Territorial Governments for Utah and New Mexico, with or without the proviso; in favor of the settlement of the boundary with Texas—in favor of all these measures in detail, but opposed to them when they come to be presented unitedly to be acted on; admitting the validity of every item of the account, but, when it comes to be footed up, denying or unwilling to acknowledge the justice of paying the aggregate! Sir, if the measures had been more incongruous than they are alleged to be, there has been ample time for a just conception of them, and just as perfect an understanding of them as if they had been presented in successive details.

I wish, again, to make only a very few observations about this same proviso. It has been argued with an ability which requires no addition, or attempt at addition, from me, by the Senator from Massachusetts who has just vacated his seat, that the proviso is not, in itself, a principle, but a means to accomplish an end. And where, let me ask, exists the necessity for a proviso? You have been told that the existence of African slavery depends upon the character of the climate and of the soil. The nature of the soil of New Mexico forbids the expectation that slavery will ever be planted there. Why, we all know that slave labor is applicable only to the great staples which constitute the subjects of our foreign commerce—cotton, sugar, hemp, tobacco, and rice. Slave labor has been found, according to American experience, to be utterly valueless, or at least to a great extent valueless, in those States where these staple articles are not cultivated. Does any body pretend that the soil of New Mexico or Utah is adapted to the cultivation of these articles? Do we not all know that if it were adapted, and the climate and soil would allow of their being cultivated, the expense of transportation from New Mexico or Utah, either to the Pacific on the one hand, or to the Gulf of Mexico or the Atlantic on the other, would be, perhaps, ten times the value at home of any of these articles?

But the honorable Senator from Massachusetts (Mr. DAVIS) has found out a new object of temptation in respect to slaves in New Mexico. He has employed an expression which filled all of us with profound regret, on account of the dignity, the character of the Senator, and the high stations which he has occupied. He spoke of New Mexico being adapted to the *breeding* of slaves. He has had the good taste to omit that expression in his printed speech, and to substitute for it the "traffic" in slaves.

Mr. DAVIS, (in his seat.) I believe I did not use that expression.

Mr. CLAY. The Senator did employ it, for it was heard and noticed by more than myself.

Mr. DAVIS. One cannot always remember precisely the language he uses in the hurry of debate. I can only say that I have no recollection of using the word "breeding;" and I think if the reporter's notes are preserved and referred to, the word will not there be found. I shall have the curiosity to look and see if it is so; but, according to the best of my recollection, I spoke of the capacity of the country for "traffic" in slaves.

Mr. CLAY. That is the language of the gentleman's speech, as printed; but the word "breeding" was used by the gentleman, or I never heard a word of the speech. Several Senators took a note of it, and we expressed how much we were shocked and

surprised at it. It was one of the principal topics of the Senator's speech to talk about the cotton power, the cotton interest, and the *breeding* of slaves. Now, if the Senator had put it on the ground of a *lapsus linguæ* from the heat of debate, or the unguarded character of debate, I should not insist upon attributing it to him; but the expression was used by him, and I marked it; it was fixed on my memory, and very much did I regret that he made use of it. This talk, sir, about the cotton power, the lords of the loom, and the breeding of slaves, will do for the bar rooms of cross road taverns; but I never hoped or expected to hear upon the floor of the Senate such epithets applied to the great manufacturers of the North and the cotton-growers of the South. I have struggled with the honorable Senator side by side, and I think he might have been disposed to do some little justice to those States which stood by the North in the great measure of protection to American industry. There were Maryland, Delaware, North Carolina, Kentucky, and Tennessee, which have generally stood by the principle of protection to Northern interests; and, among the more Southern States, Georgia, I believe, from what I have seen of recent manifestations of opinion by her Representatives, was almost ready to come up to the support and protection of our own domestic interests. And does not the Senator know that it was not the South, the unaided South—for what could the South do alone in prostrating the principle of protection?—but it was the North and the South combined—it was Pennsylvania, (unintentionally,) and New York, and Indiana, and Illinois, and Maine, and New Hampshire, and other free States, that decided the memorable contest of '44, and, combined with portions of the South, repealed the act of '42 by the passage of the act of '46, and prostrated the principle of protection? And although, as I have stated on a former occasion, the South may be said in some sense to have had the general sway in the political affairs of this country for a long term of years, and although the Presidential office has been filled for the most part with her citizens, perhaps it would be as near the truth of history to say that the North itself has governed the country through the South. And is the honorable Senator from Massachusetts sure that if the calamitous event of the dissolution of the Union were to take place, and the North exclusively had the power of passing upon the principle of protection, it could be now established? Unquestionably, without the concurrence and support of the North, none of these great measures which are charged to the account of Southern domination—the “slave power” or the “cotton power” could have passed. Sir, if my honorable friend (for so I wish still to regard him) wishes ever to see a moderate tariff established in this country, which shall secure protection to some extent, he will not do it by throwing out taunts such as he has done towards the Southern portion of the country in respect to the “cotton power” or “slave breeding interest.”

This charge upon the slave-holding States of breeding slaves for market is utterly false and groundless. No such purpose ever enters, I believe, into the mind of any slaveholder. He takes care of his slaves; he fosters them, and treats them often with the tenderness of his own children. They multiply on his hands; he cannot find employment for them; and he is ultimately, but most reluctantly and painfully, compelled to part with some of them because of the increase of numbers and the want of occupation. But to say that it is the purpose, design, or object of the slaveholder to breed slaves as he would domestic animals for a foreign market, is untrue in fact, and unkind to be imputed, or even intimated, by any one. And it is not by such reproachful epithets as “lords of the loom,” “lords of the plantation,” “the slave power,” and “the money power,” that this country is to be harmonized, especially when we are deliberating upon those great measures which are essential to its onward progress, and to its present and future prosperity.

Mr. President, it is one of the peculiar circumstances attending my present position, as I remarked on a former occasion, that I am generally called upon to vindicate the measures proposed in this bill against those whom we have regarded as the friends, as well as those who are considered as open, avowed opponents of the measure. I anticipated, the other day, somewhat the argument which I beg leave barely to advert to now. I think amongst our Southern friends two or three great errors are occasionally committed. They interpret the Constitution according to their judgment; they engraft their exposition upon it; and, without listening to or giving due weight to the opposite interpretation, to the conflicting exposition which is as honestly believed by the opposite interpreters as they believe on their side, they proclaim their own exposition of the Constitution, and cry out, “All we want is the Constitution!” In the comparison and expression of opposite opinions, infallibility

is not the lot of mortal man. It belongs only to Him who rules the destinies of the world; and for any section or any set of gentlemen to rise up and say the "Constitution means so and so, and he who says otherwise violates the Constitution," is in itself intolerant, and without that mutual forbearance and respect which are due to conflicting opinions, honestly entertained by all who are equally aiming to arrive at the truth. Now, I said the other day that the Wilmot proviso, as proposed to be enacted by the Congress and incorporated in Territorial bills, was a question totally distinct from the insertion of the restriction in a constitution formed by a newly organized State.

It is the opinion of the opponents of the bill, and the opinion, too, of some of its friends—although it is not my own opinion—that the Constitution confers no authority upon Congress to impose a restriction upon the subject of slavery in Territorial Governments. Very well: if Congress has no power to impose such a restriction, and nevertheless does exercise such a power, it is usurpation; it is the assumption of illegal authority; it is wrong in any view of the matter—a grievous and oppressive wrong. But when a State which is about to enter the Union, and is deliberating concerning a constitution which is best adapted to promote her interests and happiness, chooses to consider whether she shall admit or exclude slavery, and decides to exclude it, can such an exercise of authority on the part of the State—a conceded power—be confounded with the unconstitutional exercise of it by Congress?

Now, do not our Southern friends who oppose this bill upon the ground that there is an interdiction to the introduction of slavery in the California constitution, and that that is equivalent to an interdiction exercised unlawfully by Congress, according to their views—do they not mingle truth and falsehood, black and white, things totally dissimilar? It is of no consequence what effects the one or the other measure may produce. That is a different question. The question is one of power; and I say the exercise of such a power, which they regard as a usurpation by Congress, is totally distinct from the lawful exercise of a similar power by a State forming for herself and her own government a constitution. Three years ago, two years ago, one year ago—one short year ago—the great complaint, on the part of the slaveholding States of this Union, was the apprehended infliction upon their interests of a restriction called the Wilmot proviso. Well, we have met together; there has been a change of public opinion, a modification of public opinion, at the North. And allow me to say that, with regard to that most important portion of our Union—its Northwest section—that no man is more entitled to honor and gratitude for this salutary change than the honorable member in my eye—(Mr. Cass) who represents Michigan. He came here with his hands tied and bound by a restriction which gave him no other alternative than a violation of his conscientious convictions of duty, or a resignation of his seat into the hands of those who sent him here. Discussions have taken place in this House, in the country, in the press—they ran through the North, and Michigan nobly released and untied the hands of her Senators, and left them free to pursue their own best judgment to promote the interests of their country. And allow me to say this is the feeling of all the Northwest. There is, indeed, one honorable Senator here, (Mr. Dodge, of Wisconsin,) whose grave and Roman-like deportment in this body has filled me with admiration throughout our entire service here together—a Senator crowned with laurels by his military deeds in the field of battle. And if he will allow me to address him, approaching, as we both are, to the close of life, I would say to him that there is nothing wanting to a consummation of his glory, and his assignment to a more important and conspicuous position in the country's history—there is *nothing* wanting but to cap the climax of renown by contributing to carry triumphantly through this important measure of conciliation.

Let me for one moment—assuming the passage of the various measures which compose the system reported by the Committee of Thirteen—let me see what will be the condition of the two sections of the Union—what has been gained and lost by each. The North gains the admission of California as a free State, and the high probability of New Mexico and Utah remaining or becoming free territory; avoids any introduction of slavery by the authority of Congress; sees New Mexico detached from Texas, with a high degree of probability—from the nature of the climate and the character of the soil, and from other circumstances—that New Mexico will ultimately become a free State; and secures the abolition of the slave trade in the District of Columbia. Are not these objects of sufficient magnitude to satisfy any moderate, rational, Northern wishes? And what will the South gain? The South avoids the assertion by Congress of the dangerous principle, as they regard it, contained in the Wilmot proviso; places beyond contro-

versy nine hundred miles of the territory of Texas on the Rio Grande, now in dispute; gains an efficient fugitive slave bill, and silences the agitation about the abolition of slavery in this District. Sir, it may happen—and I am not going to disguise my convictions as to the probabilities of the fact—that the South will get no territory in Utah, New Mexico, or California, adapted to slave labor, in which slaves will be introduced. But that is not the fault of Congress. It is Congressional power, Congressional usurpation, Congressional assumption of an unlawful authority over the institution of slavery, against which the South raises her voice in protestation. If she cannot get slave territory in California, New Mexico, and Utah, whose fault is it? She cannot blame Congress, but must upbraid Nature's law and Nature's God!

In human affairs yet to be attained, there are four conditions under which they present themselves—the certain, the probable, the possible, and the impossible or the inevitable. The certain requires no effort; the probable only a little effort; the possible may be accomplished by an indomitable will, and an energetic perseverance in the pursuit of it. But that which is impossible and inevitable, philosophy, reason, religion, and all the guides which are given to us by the blessing of God, inculcate upon us the duty of submission to His will, and resignation to His paramount authority. Now, it is inevitable, in my opinion, that Southern slavery is excluded from the possession of any portion of California, Utah, and probably of New Mexico; and, if so, why contend for it? Now, what is it that distracts the public mind? A mere abstraction. We look back with surprise and astonishment at the prosecutions and punishments for witchcraft that some two hundred years since occurred in the States of Massachusetts and Connecticut. Two hundred years hence, if not much sooner, our posterity will read the history of the present times, agitating and threatening the country as they do, with as much astonishment as we pore over the leaves of the historian in which he recounts the witchcraft, and the persecution and punishment of witches in former times. And why contend for carrying slaves to Utah and New Mexico, where there is nothing upon which their labor can be employed—where nobody will take them? Let me remind gentlemen now, while upon this part of the subject—I mean those who are desirous for the greatest extension of the theatre of slavery—of a danger, and a great and an imminent danger, which they are incurring. I venture a prediction—not likely to be fulfilled or decided, perhaps, in the course of the short remnant of my life—that if Texas includes all the territory now claimed by her—nay, I go further, although the contingency I am about to state is less likely to happen by the curtailment of the boundary—I venture to say that, in some thirty, forty, or fifty years, there will be no slave State in the limits of Texas at all. I venture to predict that the northern population—the population upon the upper part of the Rio Grande—will in process of time greatly outnumber the population holding slaves upon the Gulf and the lower waters of Texas; and a majority will be found to be adverse to the continuance of slavery, and it will either be abolished, or its limits effectually circumscribed. This is no new opinion with me. I think that I gave the same in a letter which I wrote some six years ago from Raleigh, in the State of North Carolina. I said that if two, three, or four States were formed out of Texas, they would ultimately become free States. And I say that the probability is very great of all Texas becoming free, if it all remains as she has claimed, including from the mouth of the Rio Grande to its source, or even limited by El Paso. But, whether it be great or small, it appears to me that it is the interest and duty, and it should be the inclination of the South, to look at facts and nature as they exist, and to reconcile themselves to that which is inevitable and impossible—to reconcile themselves to the fact that it is impossible, however desirable it may be in the opinion of any of them, to carry slaves to the countries which I have described.

But, Mr. President, in the supposition which I have made as to what is gained by either section of the Union in consequence of this arrangement of the common difficulties between them, is there anything of which the South can justly complain? The fault of Congress cannot be cited as depriving them of the opportunity of carrying their slaves there. The provisions of the bill are that the people are left free to do as they choose. There is, indeed, one provision which did not meet with my approbation, and with which I would have been better satisfied had it been left out; and that is, the provision which does not permit the government of the Territories to establish or prohibit slavery. But it was introduced at the instance of some Southern gentlemen. And another amendment was also introduced at their instance, which expressly provides that if any States from this Territory shall come here, with a constitution admitting slavery,

such State is to be admitted; that the fact of the provision for or against slavery is to constitute no objection to her admission into the Union. Now, what complaint can the South make if the whole scheme is carried out? The South gains a virtual abandonment of the Wilmot proviso, avoids the assumption of any power dangerous to the institution of slavery within the States, or the application of such power to slavery without the States, and secures nine hundred miles of now disputed territory. It is quite unreasonable for any gentleman from the South or elsewhere to get up and say that the title of Texas to this country is indisputable—that it is as clear as the title of any other State to any other territory in the Union. There is an opposite opinion, and I share myself in the doubt of the validity of the claim of Texas from the mouth of the Rio Grande to the source of that stream. There are opposite opinions honestly and sincerely entertained by both parties. What is to be done in such a case? You refuse to appeal to the Supreme Court of the United States—you disown any jurisdiction which can settle the question. Texas at this moment threatens, we understand, by force of arms to enforce her claim upon New Mexico. How is the question to be settled? Can it be done otherwise, satisfactorily done, than by compromise, and by the compromise proposed in this bill? I repeat, the South gets nine hundred miles of the best part of the country bordering upon the Rio Grande put out of the controversy as to the present right to transport slaves there. She gains the abandonment of the Wilmot proviso, and she gets a fugitive slave bill, which I trust will be rendered efficient; and she also gets, as I trust I shall be able to show in the progress of my argument, the abandonment of the agitation of the abolition of slavery in the District of Columbia. What more can the South ask? Congress does nothing to injure her, denies her no rights, has offered as much as it can, and says that if any new State shall come here, it shall be admitted with or without slavery, as they choose. What more, let me ask, can the South demand?

Sir, I repeat that, if the South does not gain the sanction of her right to carry slaves into the new acquisitions, it is because, according to her own doctrine, Congress has no constitutional authority to confer such a privilege, and because California, exercising her undoubted power, has excluded slavery from her limits, and because in the limits of Utah and New Mexico the laws of Nature and of Nature's God exclude slavery. Now, let me, at this point of the case, stop a moment to compare the system of measures recommended by the Committee with what has been contended for by some of the Southern Senators during the progress of this bill, viz: the line of 36 deg. 30 min. to be run to the Pacific—to cut that much off, of course, from the State of California. Let us consider that question under two aspects: first, without a provision that slaves may be carried south of that line; and secondly, with a provision that they may be carried south of that line. If a line is run without a declaration as to its effect upon the one side or the other of the line, you might as well run a line upon the sands, upon the ocean, or in the air; it would be obliterated by the first blast of wind or the first billow. I am aware that there are gentlemen who maintain that, in virtue of the Constitution, the right to carry slaves south of that line already exists, and that, of course, those who maintain that opinion want no other security for the transportation of their slaves south of that line than the Constitution. If I had not heard that opinion avowed, I should have regarded it as one of the most extraordinary assumptions, and the most indefensible position that was ever taken by man. The Constitution neither created, nor does it continue slavery. Slavery existed independent of the Constitution, and antecedent to the Constitution; and it was dependant in the States, not upon the will of Congress, but upon the law of the respective States. The Constitution is silent and passive upon the subject of the institution of slavery, or rather it deals with the fact as a fact that exists, without having created, continued, or being responsible for it, in the slightest degree, within the States. There are but three provisions in the Constitution which relate to the subject of slavery. There is that which subjects slave property to taxation; that which makes it a component part in the estimation of the population in fixing the ratio of representation; and that which provides for the recovery of fugitive slaves. That is the whole extent of the constitutional provisions upon the subject of slavery. It no more instituted slavery, or is responsible for its continuance or its protection for a moment, while it remains within the bosom of the States, than it is responsible for the protection of any other personal property, depending for its protection upon the State and not upon Congressional law. Why, it is said that upon the high seas, a vessel, of whose cargo slaves compose a part, would be under the protection of the Constitution and the Government of the United States. So it would be upon the ocean; and why?

Because there is no separate jurisdiction existing there in any nation; but there is a common jurisdiction—common to all nations—and the flag which floats at the mast-head of the ship carries with it the laws of the nation to which the vessel belongs. But the moment the vessel gets out of that jurisdiction, the moment it gets into a separate territorial jurisdiction, the flag, and the ship, and the cargo become subject to the territorial jurisdiction, and are no longer under the protection of the Constitution of the United States. Why, sir, that is not only true of the free States of this Union, but it is true of the slave States. Thus, if a vessel leaves the port of Charleston with a cargo of slaves, and enters into the port of Boston or New York, the moment she casts anchor within the harbor—the moment she comes within the territorial jurisdiction of the laws of Massachusetts or New York, those laws operate upon the slaves, and determine their actual condition. I speak of course of the case in which they are voluntarily carried there. If they are carried there without the consent of the owner, they may of course be pursued under the provision of the Constitution which relates to fugitives. But if they are voluntarily carried, the instant they quit the wide ocean, and come within the territorial jurisdiction, they are subject to the laws of that territorial jurisdiction. If you were to carry a cargo of slaves into the port of Liverpool or Havre, does any man pretend that the flag of the United States would protect them, after they enter into the territorial jurisdiction of England or France? No such thing. Nor is it like the case which has often been cited in argument, of the slaves which were cast upon the Bahama islands, which occurred some years ago. That was an involuntary loss of property, consequent upon the act of God. I do think Great Britain was bound in comity, if not in strict justice in that case, to surrender those slaves, or to make ample indemnity for them, and not to take advantage of an involuntary and inevitable misfortune. But if slaves are voluntarily carried into such a jurisdiction, their chains instantly drop off, and they become free, emancipated, liberated from their bondage.

But I have said that this is not only the general law, and the law applicable to the free States of this Union, but it is the law of the slave States themselves. The law in Louisiana is now repealed; but some years ago there was a law in that State which prevented the exportation of slaves from other States into the limits of that State; and if then you had gone with a cargo of slaves into the port of New Orleans, they would have become legally free, or the owners would have been subjected to a heavy penalty, according to the enactment of that State. And there is at this time, if I am not mistaken, a law of Mississippi, which is not repealed, (one of the Senators from Mississippi will inform me if I am wrong,) which forbids the introduction of slaves as merchandise; and if you carry from Kentucky or Tennessee a steamboat load of slaves, you lose your property. I believe that in the case of Mississippi the slave does not become free, but that the party who imports him is subjected to a heavy pecuniary penalty. Such is the state of the law, as I believe, at this time, in the State of Virginia. It is, therefore, not only true of other foreign nations, but it is true of the States composing this Union, that the moment a slave enters the territorial jurisdiction of the State or foreign country, the laws of the place determine his condition, and not the laws of the flag of the ship in which he is transported there. On the ocean the flag determines the jurisdiction, for the reasons I have assigned; but the moment they come within the separate jurisdiction of any State or country, that moment they become amenable to, and are liable to be dealt with according to, the laws of that country. If the Constitution possess the paramount authority attributed to it, the laws of even the free States of the Union would yield to that paramount authority. If, therefore, it be true that, according to the laws now in force in California, New Mexico, and Utah, slavery cannot be introduced—if such is the *lex loci*, the Constitution of the United States is as passive and neutral upon the subject as the Constitution or Government of any other country upon earth. It protects wherever upon the high seas the slave is out of the separate jurisdiction of any State, foreign or domestic. It affords no protection when it comes within the scope and jurisdiction of laws which forbid the existence of slavery. I do not mean to go into a long argument upon this subject. I did intend, at one time, to take it up and discuss it very fully. I have thought it best, however, under all the circumstances of the case, merely to express these brief opinions, which I entertain in relation to it. In my opinion, therefore, the supposition that the Constitution of the United States carries slavery into California, supposing her not to be a State, is an assumption totally unwarranted by the Constitution. Why, if the Constitution gave the privilege, it would be incompetent for California to adopt the provision which she has in her constitution. The Constitution of

the United States being supreme, no State could pass an enactment in contravention of the Constitution. My rules of interpreting the Constitution of the United States are the good old rules of '98 and '99. I have never in my life deviated from those rules. And what are they? The Constitution is an aggregate of ceded powers. No power is granted except when it is expressly delegated, or when it is necessary and proper to carry into effect a delegated power. And if in any instance the power to carry slaves into the Territories is guaranteed to you by the Constitution, or is an incident necessary to the carrying out of any other power that is delegated in the Constitution, I have been unable to perceive it. Amidst all the vicissitudes of public life, and amidst all the changes and turns of party, I never have in my life deviated from these great, fundamental, and I think indisputably true principles of interpreting the Constitution of the United States. Take these principles to be true, and where is the power—can any body point it out to me?—which gives you a right to carry your slaves to California? Where is the delegated power, or the power to which it attaches as a necessary implication? It is nowhere to be found. You must resort to some such general principle as the Federalists did in the early history of this country, when they contended for the doctrine of the "general welfare." But you cannot put your finger on the part of the Constitution which conveys the right or the power to carry slaves from one of the States of the Union to any Territory of the United States.

Mr. President, you will remark that I am expressing an opinion upon the power, the constitutional right. I do not go into the question of how the powers of Government are to be exercised or applied in the course of administration. That is a distinct question. I am arguing the question of constitutional power. Nor, sir, can I admit for a single moment that there is any separate or several rights upon the part of the States, or individual members of a State, or any portion of the people of the United States, to carry slaves into the Territories, under the idea that those Territories are held in common between the several States. It is a joint property, held by a common trustee for the general good, and to be administered by the General Government, according to its deliberate judgment of what will best promote the common happiness and prosperity, and do justice to all.

If, therefore, I am right in these opinions which I have expressed, to run a line at 35 deg. or 36 deg. 30 min. through California, without declaring what the effect of that line shall be, either south or north of it, would, I repeat, be running a line in the sand—a line without motive, without purpose, without accomplishing any end whatever. Therefore I must say that those Senators upon the other side, who have contended for an express recognition of the right to carry slaves south of that line, have contended for something much more perfect and efficient than to run a naked line without any such declaration. But, then, there are two considerations which oppose insuperable objections to any such recognition or declaration to carry slaves south of that line. The first is, that you cannot do it without an assumption of power upon the part of Congress to act upon the institution of slavery; and if they have the power in one way, they have the power to act upon it in the other way; and the power to act upon it either way is what you have denied, and opposed, and endeavored to prevent being accomplished for the last two or three years. It would be an assumption, a usurpation according to the Southern doctrine, for Congress to exercise any power either to interdict or establish slavery upon either side of a given line. The other objection to accomplishing this end is, that it is impracticable and unattainable. A majority neither of this House nor of the other House—not one third probably of this House, and perhaps still a smaller portion of the other House—could be got to affirm any right of transporting slaves south of 36 deg. 30 min. It is then wrong in principle, and impracticable and inexpedient. Why, then, contend, let me ask, for a line which, if attainable at all, is attainable without value, without necessity, without advantage to the South? Or why attempt that which is utterly unattainable—a line which shall secure any express provision for the power or right on the part of the slaveholder to carry his slaves south of it?

Having endeavored to show that the measure which we have under consideration is better for the South than the Missouri line, let me compare the measure in a few brief words with the other one which has been under consideration by us heretofore. The other measure proposes to admit California forthwith, and New Mexico as soon as she presents a constitution, and Utah to follow on some time after New Mexico is admitted—all to be permitted to decide the question of slavery for themselves, without any intervention of the power or authority of Congress.

Well, what advantage is that to the South? You know—for I believe it has been already done by the constitution of New Mexico, as well as by that of California—that slavery will be prohibited. You know that if New Mexico comes in, she comes in like California, with an interdiction of slavery; and you know that she will never come in without such an interdiction. What do you get, then? What advantage to the South? Sir, it is a one-sided measure—the measure which I am considering. It is all North, and looks not at all towards Southern interests. It is liable to objections which I have already stated upon a former occasion, and which it is not necessary that I should repeat now. But if you admit New Mexico with the boundary between her and Texas unadjusted, what may the consequences be? You admit a Territory and people who, if Texas shall establish her claim to the whole extent of the eastern border of the Rio Grande, may be cut off by the subsequent action of Texas, or of the Supreme Court of the United States. You admit the State of New Mexico, afterwards to be cut in two, and a State left in the Union without territory, and without people; for I will state what is well known I dare say to other Senators, that all the people who can constitute any ground or color of claim for the admission of New Mexico into the Union as a State, are upon the east side of the Rio Grande, and all the territory worth having is upon the same side of that river. Then it happens, if the plan presented for the admission of these States be adopted and carried out, you take California absolutely, with all her present limits, and New Mexico in such a way that it may happen that you will have a State in the Union without territory and without people. Texas by the assertion and successful prosecution of her claim, will have taken all the territory and all the people that would have constituted any ground for the admission of the State of New Mexico.

Mr. President, I approach now the question of what the consequence must be of the defeat of the measure now before the Senate, and what the consequence will probably be in case of the successful support of the measure by Congress. If the bill is defeated, and no equivalent measure be passed, as in all human probability would be the case—if this measure is not passed, and we go home, in what condition do we leave this free and glorious people? In regard to Texas there is danger, as I have remarked, of two civil wars. There is danger in the first place, of the resistance of the people of New Mexico to the authority of Texas, supposing non-interference on the part of the General Government. But if New Mexico goes on to organize herself into a State Government, and insists upon the exercise of the powers which appertain to State sovereignty, we must shut our eyes and be blind to passing events, if we do not see that there is danger of a servile civil war, originating between Texas and—if you please—the troops of the United States that may come in in aid of New Mexico. Assuming that Texas will move with military array upon New Mexico, there will probably be resistance upon the part of the General Government to the entry of the troops of Texas into the limits of New Mexico, although there may be uncertainty as to the course upon this subject which will be taken by the Administration just coming into power, upon which we have the advantage of no light whatever. But we know that the Administration which has just passed out of power would, in that contingency, have repelled the attack made by Texas. If the present Administration should feel it incumbent upon itself to repel such an invasion the consequences which I am about to portray are at least possible, if not likely to occur.

I am not going to magnify the power of Texas. I am not going to magnify the power of any single State. It is with infinite regret, with profound sorrow and surprise, that I hear individuals in States talking as they occasionally do, with so little respect to the power and justice of the General Government. Why, it was only the other day that a member, returned from the Nashville Convention, addressed, we are told, the people of Charleston, South Carolina, proposing to hoist the standard of disunion. I do not know which most to admire the gravity and possible consequences which may ensue from carrying out the views of the delegate to the Nashville Convention, or the ridiculous scenes which occurred during the course of the public meeting. He was applauded most enthusiastically—as I learn from the public papers, and as I learn also from a creditable gentleman who was present at the meeting—when he declared that, if the South did not join herself to this standard of rebellion, South Carolina would herself raise it, and fight this Union singly and alone! Yes, said a gentleman in the audience, in a fit of most patriotic enthusiasm, and if South Carolina does not do it, I, with my strong arm and my long purse, will fight the Union myself.

Mr. President, I have no patience for hearing this bravado, come from what source it may. At the same time, I am not disposed to undervalue its importance as one of many cotemporaneous events.

There are certain great interests in this country which are contagious, sympathetic. If the contest were alone with Texas and the United States, I think there would be some little probability that the United States might come off victorious in such a contest with Texas. It is possible that the twenty-nine other States in the Union might repel an invasion of Texas upon New Mexico, if every other country stood aloof, and left the two parties, the United States and Texas, to fight out the contest. I think there is some probability that, with the gallant individual now in my eye, (General Scott.) in command of our armies, who has already so signalized the glory of his country and himself, we might come off not second best in a contest with Texas alone. But, sir, Texas will not be alone; if a war breaks out between her and the troops of the United States on the Upper Rio Grande, there are ardent enthusiastic spirits of Arkansas, Mississippi, Louisiana, and Alabama, that will flock to the standard of Texas, contending, as they believe they will be contending, for slave territory. And they will be drawn on, State by State, in all human probability, from the banks of the Rio Grande to the banks of that river which flows by the tomb of Washington. I do not say this will happen, but I say there is danger that it may happen. If there should be a war, even of all the Southern States with the residue of the Union, I am not going to say that in such a contest, such a fratricidal contest, the Union itself, the residue of the Union, might not prove an overmatch for Southern resistance. I will not assert what party would prevail in such a contest; for you know, sir, what all history teaches, that the end of war is never seen in the beginning of war, and that few wars which mankind have waged among themselves, have ever terminated in the accomplishment of the objects for which they were commenced. There are two descriptions of ties which bind this Union and this glorious people together. One is the political bond and tie which connects them, and the other is the fraternal commercial tie which binds them together. I want to see both preserved. I wish never to see the day when the ties of commerce and fraternity shall be destroyed, and the iron bands afforded by political connexions shall alone exist and keep us together. And when you take into view the firm conviction which Texas has of her undoubted right, when we know at this moment that her Legislature is about to convene, and before the autumn arrives, troops may be on their march from Texas to take possession of the disputed territory of New Mexico, which she believes to belong to herself—is there not danger which should make us pause and reflect, before we leave this Capitol without providing against such a perilous emergency? Let blood be once spilled in the conflict between the troops of Texas and those of the United States, and, my word for it, thousands of gallant men will fly from the States which I have enumerated, if not from all the slaveholding States, to sustain and succor the power of Texas, and to preserve her in possession of that in which they, as well as she, feel so deep an interest. Even from Missouri—because her valiant population might most quickly pour down upon Santa Fe and assistance to Texas—even from Missouri, herself a slave State, it is not at all unlikely that thousands might flock to the standard of the weaker party, and assist Texas in her struggles. Is that a state of things which you, Senators, can contemplate without apprehension? Or can you content yourselves with going home and leaving it to be possibly realized before the termination of the current year? Are you not bound, as men, as patriots, as enlightened statesmen, to provide for the contingency? And how can you provide for it better than by this bill, which separates a reluctant people about to be united to Texas, a people who themselves, perhaps, will raise the standard of resistance against the power of Texas—which separates them from Texas, and guards against the possibility of a sympathetic and contagious war, springing up between the slave States and the power of the General Government, which I regard as almost inevitable, if Congress adjourns with the admission of California alone, stopping there, and doing nothing else. For, sir, the admission of California alone, under all the circumstances of the time, with the proviso still suspended over the heads of the South, with the abolition of slavery still threatened in the District of Columbia—the act of the admission of California, without provision for the settlement of the Texas boundary question, without the other portions of this bill, will aggravate and embitter and enrage the South, and make them rush on furiously and blindly, animated as they believe by a patriotic zeal to defend themselves against Northern aggression. I call upon you, then, and I call upon the Senate, in the name of the country, never to separate from this Capitol, without settling all these questions, leaving nothing to disturb the general peace and repose of the country.

Mr. President, I have hitherto argued upon the contingency of nothing being done but the simple admission of California. Now, let me argue upon the contingency of the passage of this bill. What will be its leading effects? What its reconciling and salutary consequences? The honorable Senator who usually sits before me, but who now sits upon my left, (Mr. HALE,) has told us more than once that if you pass this bill you do not hush agitation; you even increase it; that it will become more violent than ever. With regard to that Senator, while I detest his abolition principles, I admire his manly, pleasant, convivial, and personal qualities; his good humor, his power of ready debate, the promptness with which he can carry on a guerrilla fight in the Senate.

[Mr. CLAY here declined a suggestion from Mr. CLEMENS to yield to a motion to adjourn.]

I will not say that the Senator from New Hampshire does not believe what he says. That, respect for the decorum of debate, and respect for him, will prevent me from saying. But, Mr. President, do you believe that the abolitionists conceive that more agitation will spring out of this measure than exists now? They live by agitation. It is their meat, their bread, the air which they breathe; and if they saw, in its incipient state, a measure giving them more of that food and meat, and bread, and air, do you believe that they would oppose themselves to its adoption? Do you not believe that they would hail [HALE] it as a blessing? [Great laughter.]

Why, Mr. President, how stands the fact? There is not an abolitionist in the United States that I know of—there may be some—there is not an abolition press, if you begin with the abolition press located in Washington, and embrace all others, that is not opposed to this bill—not one of them. There is not one abolitionist in this Senate chamber or out of it, any where, that is not opposed to the adoption of this compromise plan. And why are they opposed to it? They see their doom as certain as there is a God in Heaven who sends his providential dispensations to calm the threatening storm and to tranquillize agitated man. As certain as that God exists in Heaven, your business, [turning towards Mr. HALE] your vocation is gone. I argue much more from acts, from instinctive feelings, from the promptings of the heart, from a conscious apprehension of impending ruin to the cause which they espouse, than I do from the declamatory and eloquent language which they employ in resistance to this measure. What! increased agitation, and the agitators against the plan! It is an absurdity.

Let us now take up the measure in detail, and see how there could be greater agitation after the adoption of this general system of compromise than without its adoption. Let us begin and go over the whole five measures, if you please. There is California, she is admitted into the Union: will they agitate about that? Well, there are the Territorial Governments established: will they agitate about that? There is the settlement of the Texas boundary question: upon what can they agitate about the settlement of the boundary of Texas? They have every probability—I own it frankly to my Southern friends, not resulting from the settlement of the boundary, but from the nature and character of the country—of having that dedicated also to free soil: will they agitate about that? About a constitutional fugitive bill? Then, will they agitate about the slave-trade in the District of Columbia? That is accomplished. Then what can they agitate about, supposing the whole system of measures to be carried out? They might agitate a little about not getting the proviso fastened upon the bill; and might agitate a little about not getting the abolition of slavery itself in the District of Columbia. The Senator behind me (Mr. SEWARD) has estimated the number of slaves at one thousand. I think he is mistaken, and that it is a little more than that. What, in the name of Heaven, will they agitate about if these five measures are carried? Whom will they agitate? Who will be their auditory in the agitation? Here is a scheme of national reconciliation, a scheme or system which brings into fraternal harmony those whose hands were about to be raised against each other as enemies—a system to which the whole country becomes reconciled. What will they agitate about? To whom will they agitate? Where will they get followers and disciples? There is a portion of them—I speak not of the free-soilers; I speak not of those who from principle are honestly opposed to the extension of slavery, but of that fanatic, desperate band who call themselves, I don't know what—liberty men, or something of the kind—but there are those who have declared that this Union ought not to exist—those who would strike down the pillars upon which stands the most glorious edifice that was ever erected by the arm of man—self-government—and that would crush amidst the ruins of the fall all this people, and all the hopes and expectations of

ourselves and mankind. Men who would go into the temples of the holy God and drag from their sacred posts the ministers who are preaching his gospel for the comfort of mankind and their salvation hereafter, and burn the temples themselves—they might agitate. Men who, if their power was equal to their malignity, would seize the sun of this great system of ours, drag it from the position in which it keeps in order the whole planetary bodies of the universe, and replunge the world in chaos and confusion to carry out their single idea—they, perhaps, might agitate. But the great body of the people of the United States will acquiesce in this adjustment, will be reconciled to this settlement by their common representatives, after near nine months of anxious and arduous struggle. The great body of the people of the United States will be satisfied and acquiesce in this great settlement of our national trials and difficulties, at this the most momentous crisis that has ever existed in our history. No, sir; they may threaten agitation; they may talk of it, here and elsewhere; but their occupation is gone. They will be stigmatized, and justly stigmatized, as unworthy disturbers of the peace, if they attempt longer to prolong the dissensions and distractions of this country, after we have settled, and so well settled, so many questions which have divided us.

But, Mr. President, I am not only fortified in my convictions that this will be the salutary and healing effect of this great plan of compromise and settlement of our difficulties, but I am supported by the nature of man, and the truth of history. What is that nature? Why, sir, after perturbing storms a calm is sure to follow. The nation wants repose. It pants for repose, and entreats you to give it peace and tranquillity. Do you believe—when the nation's Senators and the nation's Representatives, after such a continued struggle as we have had, shall settle these questions—it is possible for the most malignant of all men longer to disturb the peace, and quiet, and harmony, of this other, wise most prosperous country? But I said not only according to the nature of man—but according to the universal desire which prevails throughout the wide-spread land, would the acceptance of this measure, in my opinion, lead to a joy and exultation almost unexampled in our history. I refer to historical instances occurring in our Government to verify me in the conviction I entertain of the healing and tranquilizing consequences which would result from the adoption of this measure. What was said when the compromise was passed? Then, as now, it was denounced. Then, as now, when it was approaching its passage, when being perfected, it was said, "It will not quell the storm, nor give peace to the country." How was it received when it passed? The bells rang, the canons were fired, and every demonstration of joy throughout the whole land was made upon the settlement by the Missouri compromise. Nor is it true, as has been unkindly suggested, I think by the Senator who sits at my left, (Mr. HALE,) that Northern men were obliged to remain at home and incur the displeasure of their constituents. There was Henry Baldwin, of Pittsburg, Henry Storrs, of New York, and others, if I had time to enumerate them, who voted for a settlement of the Missouri question, and who retained the confidence and affection of their respective constituents. I suppose the Senator was understood, as I understood him, to throw out something by way of menace to Northern Senators, to make them swerve from the patriotic duty which lies before them of healing the agitation of the country. They did not lose the confidence of their country. They may have in particular instances, but I speak of those of which I had a distinct recollection. Yes, sir, the Missouri compromise was received with exultation and joy. Not the reception of the treaty of peace negotiated at Ghent, nor any other event which has occurred during my progress in public life, ever gave such unbounded and universal satisfaction as the settlement of the Missouri compromise. We may argue from like causes like effects. Then, indeed, there was great excitement. Then, indeed, all the Legislatures of the North called out for the exclusion of Missouri, and all the Legislatures of the South called out for her admission as a State. Then, as now, the country was agitated like the ocean in the midst of a turbulent storm. But now, more than then, has this agitation been increased. Now, more than then, are the dangers which exist, if the controversy remains unsettled, more aggravated and more to be dreaded. The idea of disunion then was scarcely a low whisper. Now, it has become a familiar language in certain portions of the country. The public mind and the public heart are becoming familiarized with that most dangerous and fatal of all events, the disunion of the States. People begin to contend that this is not so bad a thing as they supposed. Like the progress in all human affairs, as we approach danger it disappears; it diminishes in our conception, and we no longer regard it with that awful apprehension of consequences that we did before we came into contact with it. Every where now

there is a state of things, a degree of alarm and apprehension, and determination to fight, as they regard it, against the aggressions of the North. That did not so demonstrate itself at the period of the Missouri compromise. It was followed—in consequence of the adoption of the measure which settled the difficulty of Missouri—by peace, harmony, and tranquillity. So now, I infer, from the greater amount of agitation, the greater amount of danger, that if you adopt the measures under consideration, they, too, will be followed by the same amount of contentment, satisfaction, peace, and tranquillity which ensued after the Missouri compromise.

Again, another instance of a compromise which was attended with the happiest effects—I mean the compromise of 1833 of the tariff. I could name half a dozen Senators who said then, as the Senator from New Hampshire says now, that there would be agitation still upon the subject of the tariff. It was said: "You have adopted the measure which will ultimately prostrate the principle of protection. But they will come here at the next session, and at every session, until they get that compromise of the tariff of 1833 removed." Far different, however, was its reception among the great mass of the people of the United States, and among the manufacturers themselves. I made a tour of New England in that fall. The compromise passed in March, I think, and that autumn I made a tour of New England; and never in my life have I met with more demonstrations of cordial affection and confidence than I experienced at the hand of New England, and above all at the hand of the manufacturers. Sir, with regard to that compromise, I take the opportunity of saying that I consulted with the manufacturers in preparing that bill—not with the political manufacturers, but with Dupont and other friends of the North, Mr. Simmons, of Rhode Island, and some others not now necessary to be named. I said to them, "How will this measure operate for your interests?" "Admirably," was the reply, "for seven years, until you approach the fall of the measure of duties down to twenty per cent." I told them what I believed, that before that period arrived Congress would take up the subject; and I urged the Van Buren administration to take up the subject, and remodify the tariff—not to go back to the former high duties, but to interpose some degree of protection in behalf of the interests of the country, beyond the twenty per cent. They did not do it. They suffered the thing to run out, and when they came down to 1842, the twenty per cent. went into full operation, and the year before, I believe, it operated very disadvantageously to the manufacturers. The tariff of 1842 would have restored that interest to the North. The North, and not the South, chose in the contest of 1844, to bestow their suffrages in a way which led to the passage of the tariff of 1846. Sir, I hope you will not understand me as making any complaint on a personal ground. None; none whatever. I felt relieved from the responsibility of the situation which my friends, more than myself, wanted me to be placed in. But it was the North, it was New York, it was Pennsylvania, unintentionally, aided by other free States, that led to the adoption of the tariff of 1846, by the results of the contest of 1844.

Mr. President, I wish I had the physical power to give utterance to the many, many ideas which I still have; but I have it not. I must hasten towards a conclusion.

The responsibility of this great measure passes from the hands of the Committee, and from my hands. They know, and I know, that it is an awful and tremendous responsibility. I hope that you will meet it with a just conception and a true appreciation of its magnitude, and the magnitude of consequences which may ensue from your decision one way or the other. The alternatives I fear, which the measure presents, are concord and increased discord; a servile civil war, originating in its causes, on the lower Rio Grande, and terminating, possibly, in its consequences, on the upper Rio Grande in the Santa Fe country—or the restoration of harmony and paternal kindness.

I believe from the bottom of my soul, that the measure is the re-union of this Union. I believe it is the dove of peace, which, taking its aerial flight from the dome of the Capitol, carries the glad tidings of assured peace and restored harmony to all the remotest extremities of this distracted land. I believe that it will be attended with all these beneficial effects. And now let us discard all resentment, all passions, all petty jealousies, all personal desires, all love of place, all hounding after the gilded crumbs which fall from the table of power. Let us forget popular fears, from whatever quarter they may spring. Let us go to the limpid fountain of unadulterated patriotism, and, performing a solemn lustration, return divested of all selfish, sinister, and sordid impurities, and think alone of our God, our country, our consciences, and our glorious Union; that Union without which we shall be torn into hostile fragments, and sooner or later become the victims of military despotism, or foreign domination.

Mr. President, what is an individual man? An atom, almost invisible without a magnifying glass—a mere speck upon the surface of the immense universe—not a second in time compared to immeasurable, never-beginning, and never-ending eternity; a drop of water in the great deep, which evaporates and is borne off by the winds; a grain of sand, which is soon gathered to the dust from which it sprung. Shall a being so small, so petty, so fleeting, so evanescent, oppose itself to the onward march of a great nation, to subsist for ages and ages to come—oppose itself to that long line of posterity which, issuing from our loins, will endure during the existence of the world? Forbid it God! Let us look at our country and our cause; elevate ourselves to the dignity of pure and disinterested patriots, wise and enlightened statesmen, and save our country from all impending dangers. What if, in the march of this nation to greatness and power, we should be buried beneath the wheels that propel it onward. What are we—what is any man worth who is not ready and willing to sacrifice himself for the benefit of his country when it is necessary?

Now, Mr. President, allow me to make a short appeal to some Senators—to the whole of the Senate. Here is my friend from Virginia, (Mr. MASON,) of whom I have never been without hopes. I have thought of the revolutionary blood of George Mason which flows in his veins—of the blood of his own father—of his own accomplished father—my cherished friend for many years. Can he, knowing, as I think he must know, the wishes of the people of his own State; can he, with the knowledge he possesses of the public sentiment there, and of the high obligation cast upon him by his noble ancestry, can he hazard Virginia's greatest and most glorious work—that work, at least, which she, perhaps more than any other State, contributed her moral and political power to erect? Can he put at hazard this noble Union, with all its beneficial effects and consequences, in the pursuit of abstractions and metaphysical theories—objects unattainable, or worthless, if attained—while that honor of our own common native State, which I reverence and respect with as much devotion as he does, while the honor of that State, and the honor of the South are preserved unimpaired by this measure?

I appeal, sir, to the Senators from Rhode Island and from Delaware; my little friends, which have stood by me, and by which I have stood, in all the vicissitudes of my political life; two glorious patriotic little States, which, if there is to be a breaking up of the waters of this Union, will be swallowed up in the common deluge, and left without support. Will they hazard that Union, which is their strength, their power, and their greatness!

Let such an event as I have alluded to occur, and where will be the sovereign power of Delaware and Rhode Island? If this Union shall become separated, new unions, new confederacies will arise. And with respect to this—if there be any—I hope there is no one in the Senate—before whose imagination is flitting the idea of a great Southern Confederacy to take possession of the Balize and the mouth of the Mississippi, I say in my place never! never! NEVER will we who occupy the broad waters of the Mississippi and its upper tributaries consent that any foreign flag shall float at the Balize or upon the turrets of the Crescent city—never—never! I call upon all the South. Sir, we have had hard words—bitter words, bitter thoughts, unpleasant feelings towards each other in the progress of this great measure. Let us forget them. Let us sacrifice these feelings. Let us go to the altar of our country and swear, as the oath was taken of old, that we will stand by her; we will support her; that we will uphold her Constitution; that we will preserve her Union, and that we will pass this great, comprehensive, and healing system of measures, which will hush all the jarring elements, and bring peace and tranquility to our homes. Let me, Mr. President, in conclusion, say that the most disastrous consequences would occur, in my opinion, were we to go home, doing nothing to satisfy and tranquilize the country upon these great questions. What will be the judgment of mankind, what the judgment of that portion of mankind who are looking upon the progress of this scheme of self-government as being that which holds the highest hopes and expectations of ameliorating the condition of mankind—what will their judgment be? Will not all the monarchs of the old world pronounce our glorious republic a disgraceful failure? What will be the judgment of our constituents, when we return to them and they ask us, How have you left your country? Is all quiet—all happy—are all the seeds of distraction or division crushed and dissipated? And, sir, when you come into the bosom of your family, when you come to converse with the partner of your fortunes, of your happiness and of your sorrows, and when in the midst of the common offspring of both of you, she asks you, “Is there any danger of civil war? Is there any danger of the torch being applied to any portion of the country? Have you settled the questions which you have been so long discussing and deliberating upon at Washington? Is all peace and all quiet?”

What response, Mr. President, can you make to that wife of your choice and those children with whom you have been blessed by God? Will you go home and leave all in disorder and confusion, all unsettled, all open? The contentions and agitations of the past will be increased and augmented by the agitations resulting from our neglect to decide them. Sir, we shall stand condemned by all human judgment below, and of that above it is not for me to speak. We shall stand condemned in our own consciences, by our own constituents, by our own country. The measure may be defeated. I have been aware that its passage for many days was not absolutely certain. From the first to the last I hoped and believed it would pass, because from the first to the last I believed it was founded on the principles of just and righteous concession—of mutual conciliation. I believe that it deals unjustly by no part of the republic; that it saves their honor, and, as far as it is dependant upon Congress, saves the interests of all quarters of the country. But, sir, I have known that the decision of its fate depended upon four or five votes in the Senate of the United States, and upon whose ultimate judgment we could not count upon the one side or the other with absolute certainty. Its fate is now committed to the hands of the Senate, and to those five or six votes to which I have referred. It may be defeated. It is possible that, for the chastisement of our sins or transgressions, the rod of Providence may be still applied to us, may be still suspended over us. But, if defeated, it will be a triumph of ultraism and impracticability—a triumph of a most extraordinary conjunction of extremes; a victory won by abolitionism; a victory achieved by free-soilism; the victory of discord and agitation over peace and tranquillity; and I pray to Almighty God that it may not, in consequence of the inauspicious result, lead to the most unhappy and disastrous consequences to our beloved country. [Applause.]

Mr. BARNWELL. It is not my intention to reply to the argument of the Senator from Kentucky, but there were expressions used by him not a little disrespectful to a friend whom I hold very dear, and to the State which I in part represent, which seem to me to require some notice. I believe, sir, that character does not depend upon words; it does not live in eulogy; it is not to be destroyed by obloquy. It rests upon a higher and more stable foundation. Upon intelligence, honesty, disinterestedness, accompanied with the manifested determination to exercise these high qualities in the best mode, for the best ends. To this test I am willing to bring the character of my friend; one with whom my friendship, commencing almost with the cradle, and strengthening through life, will, I doubt not, terminate only with the grave. I do not intend to pronounce his eulogy. It is well for us both that he is no unknown man; nor is he, in this assembly or in the other house, without many who know and appreciate him. I am very willing to entrust the defence of his character to the judgment of all who know him. It is true that his political opinions differ very widely from those of the Senator's from Kentucky. It may be true that he, with many great statesmen, may believe that the Wilmot proviso is a grievance to be resisted "to the utmost extremity" by those whose rights it destroys and whose honor it degrades. It is true that he may believe—and he will not be very singular in the opinion, especially among those who have heard and may read the able and triumphant argument of the distinguished Senator from Georgia—that the admission of California will be the passing of the Wilmot proviso, when we here in Congress give vitality to an act otherwise totally dead, and by our legislation exclude slaveholders from that whole broad territory on the Pacific; and, entertaining this opinion, he may have declared that the contingency will then have occurred which will, in the judgment of most of the slaveholding States, as expressed by their resolutions, justify resistance as to an intolerable aggression. If he does entertain and has expressed such sentiments, he is not to be held up as peculiarly a disunionist. Allow me to say, in reference to this matter, I regret that you have brought it about; but it is true that this epithet "disunionist" is likely soon to have very little terror in it in the South. Words do not make things. Rebel was designed as a very odious term when applied by those who would have trampled upon the rights of our ancestors, but I believe that the expression became not an ungrateful one to the ears of those who resisted them. It was not the lowest term of abuse to call those who were conscious that they were struggling against oppression; and let me assure gentlemen that the disunionist is rapidly assuming at the South the meaning which rebel took when it was baptised in the blood of Warren at Bunker's Hill, and illustrated by the gallantry of Jasper at Fort Moultrie.

As to the State of South Carolina, I do not, as I need not, defend her by words. I have said that the character of an individual does not live in words or die from obloquy. Much more strongly may this be said of a State. South Carolina has a history for the

past and a character for the present. To that history and that character I am perfectly willing to leave her, to repel any reproach which may be attempted to be cast upon her. Allow me to say, in this connexion, that whilst I listened, a few days since, with a high admiration to the eloquent eulogium which the Senator from Massachusetts (now no longer in his place) pronounced upon his own State; whilst I freely accorded to her the honor which he attributed, it did not seem to me, sir, that he had selected the highest attribute of her character as the subject of his eulogium. He spoke of her attachment to this Union as the highest subject of his commendation, but he had previously and very pointedly alluded to motives, not addressed to the most honorable sentiments of mankind, which might justly render this Union very dear to her. Sir, I prefer to honor Massachusetts for the devotion which, in times past, she has exhibited for freedom, and which I doubt not still animates her, because I believe that, as in former days, she justified the proud motto with which she emblazoned her escutcheon. So should any, in future time, invade her rights, or disturb her peaceful liberty, she would again with the sword maintain the heritage sought and gained by it. To this criterion I willingly commit my native State; by this standard do I desire that she may be ever judged. Small she may be, and weak in numbers, but it is not by the extent of territory, or the number of inhabitants that a State is to be measured. Rather by the spirit of its people—a spirit which prepares them in the maintenance of their liberty to live with her or die for her. I will not speak of my devotion to South Carolina :

“I would rather be beloved on trust for what I feel
Than prove it in her griefs, which might not yield to any cares of mine.”

But this I may claim, in common with all her sons, in the hour of her peril to be found at her side, to sustain or perish with her.

Mr. CLAY. Mr. President, I said nothing with respect to the character of Mr. RHEET, for I might as well name him. I know him personally, and have some respect for him. But, if he pronounced the sentiment attributed to him of raising the standard of disunion and of resistance to the common Government, whatever he has been, if he follows up that declaration by corresponding overt acts, he will be a traitor, and I hope he will meet the fate of a traitor. (Great applause in the galleries, with difficulty suppressed by the Chair.)

The PRESIDENT. The Chair will be under the necessity of ordering the gallery to be cleared, if there is again the slightest interruption. He has once already given warning that he is under the necessity of keeping order. The Senate chamber is not a theatre.

Mr. CLAY resumed. Mr. President, I have heard with pain and regret a confirmation of the remark I made, that the sentiment of disunion is becoming familiar. I hope it is confined to South Carolina. I do not regard as my duty what the honorable Senator seems to regard as his. If Kentucky to-morrow unfurls the banner of resistance unjustly, I never will fight under that banner. I owe a paramount allegiance to the whole Union—a subordinate one to my own State. When my State is right—when it has a cause for resistance—when tyranny, and wrong, and oppression insufferable arise—I will then share her fortunes; but if she summons me to the battlefield, or to support her in any cause which is unjust against the Union, never, never will I engage with her in such a cause.

With regard to South Carolina, and the spirit of her people, I have said nothing. I have a respect for her; but I must say, with entire truth, that my respect for her is that inspired by her ancient and revolutionary character, and not so much for her modern character. But, spirited as she is, spirited as she may suppose herself to be, competent as she may think herself to wield her separate power against the power of this Union, I will tell her, and I will tell the Senator himself, that there are as brave, as dauntless, as gallant men and as devoted patriots, in my opinion, in every other State in the Union, as are to be found in South Carolina herself; and if, in any unjust cause, South Carolina or any other State should hoist the flag of disunion and rebellion, thousands, tens of thousands, of Kentuckians would flock to the standard of their country to dissipate and repress their rebellion. These are my sentiments—make the most of them.

Mr. BARNWELL. I do not know that I have any thing to say exactly in reply to the Senator from Kentucky, except that, when he uses such language as “traitors” and “their doom,” he compels me to remind him of the old adage “that there are two ends to a rope,” and when the Senator comes to the condemnation of “traitors,” it may

prove that *they* are the *true men*. With respect to the threats of the Senator from Kentucky, if history speaks true, there was a certain British officer once who promised, with a regiment of soldiers, to drive the rebels from one end of the continent to the other. I need not say the performance hardly equalled the promise. But I made, I make no threats; I institute no comparisons. Far be it from me to detract from the fidelity or the gallantry of the people of any of the States of this Union. I should do great injustice to my own convictions were I to do so. With respect to the justice of the cause upheld by South Carolina, the Senator has not now to learn that she is sustained in her judgment by the recorded opinions of the numerous States who made common cause with the State of Virginia in her assertion of their rights. And shall any State, however feeble, subject herself to ruinous and unjust domination from apprehension that tyranny might prove too strong for her, that the armed heel of the oppressor might trample out the life which he only designed to make degraded and miserable? I trust not, sir; and I contend only for the duty and the right of asserting justice, even at the hazard of safety.

Mr. HALE. I do not intend to occupy the attention of the Senate but a moment. As the Senator from Kentucky has taken issue with me on a point of history, I want to give what I understand to be the truth of the case. He says the Missouri compromise was a very beneficial measure. I do not undertake to say whether it was or not; but if there is any truth in history, though I was a boy at the time, when the New England States were of considerably more relative and numerical importance than they are now, the history of those men who went for the Missouri compromise has been a warning from that day to this to Northern men who come here on the floor of Congress to surrender Northern right to propitiate power. I think the Senator from Massachusetts in my eye, (Mr. DAVIS,) will tell you that some of the most promising and talented of the public men in the State, who went for that measure, have never recovered from the odium with which they were overwhelmed from that day. I think the Senator from Rhode Island could stand up and show that they have living monuments of public odium in the persons of Northern representatives who went for that measure in that State. I know it was so in New Hampshire; and I believe in that part of the country there was but one solitary instance of a Northern statesman that had vitality and elasticity enough to rejuvenize himself from the obloquy with which that measure overwhelmed him, and he was an individual well known to the honorable Senator.

Mr. CLAY. Henry Shaw?

Mr. HALE. No, sir, John Holmes; the only man in the whole of New England that was ever able to recover.

The honorable Senator from Georgia asks me if I would serve them so again. I can only tell him that it is said that history is philosophy teaching by example; and when he holds up the Missouri compromise, and the fate of those Northern men who went for it, as something that is to stimulate us to go for it, does he think that I am ambitious of filling a martyr's grave? [Laughter.] No, sir, not at all; nor do I want at this time to accelerate the doom which I have no doubt will overtake every individual who shall vote for the passage of a measure like this. I have no doubt that the Missouri Compromise was very popular at the South; but when any individual undertakes to say that it was a popular measure at the North, I must be permitted to reply that, with all his great knowledge, he is greatly mistaken in regard to the truth of history. When the honorable Senator from Kentucky travelled in New England, and was received as he says he was, and as I have no doubt he was, I can tell him he was received, not because he voted for that bill, and was the author of it, but he was received notwithstanding what he had done for the Missouri Compromise.

Mr. CLAY. It was after the passage of the tariff act of 1832 that I visited New England.

Mr. HALE. Well, he would have been so received in 1820, or at any time. I believe there is no public man in the country that had more enthusiastic friends; if he did not have so many in number, as the honorable Senator. No man had the faculty of attaching his friends to him like the honorable Senator; and there is no part of the country, notwithstanding what men have said of the cold frigid temperament of New England, where that enthusiasm is more apparent than there. But the Senator mistakes altogether the truth of history if he thinks that that compromise was popular, or the men who voted for it. No, sir; those men are living tombstones to day—those of them who are above ground—from the odium and obloquy that has been heaped on them.

Mr. CLAY. One or two words in reply to the honorable Senator. He has *con-* founded two very different epochs in the history of the country. I spoke first of the Missouri Compromise; and I think I know the names much better than the Senator does, though there were not a great many—not above ten or twelve from the free States—who voted with us for that compromise. I knew at that time every one of them, and I preserve the most friendly recollection of them at this moment. If the Senator says they were all sacrificed, I am sure he is mistaken. I remember the names of Henry Baldwin, of Pittsburg; Henry Storrs, of Whitestown, near Utica, New York; Judge Ford; Henry Shaw, formerly of Lanesboro', who, although he did not return to Congress, went to the Legislature of his own State whenever he chose, and was one of its honored influential members long after the passage of the Compromise. I cannot recollect them all at this time. But as to New Hampshire, and some of the other States, we got very few supporters from them. I believe Governor Tomlinson was one who favored it at heart; and Mr. Foot voted for it; and was here long after that. I am sure, if you were to look over the list of Northern members who voted for the Missouri Compromise, you would find that a majority of them were sustained.

The honorable Senator says, however, that there were some sacrificed, and he told us, what he need not have done, that he was not disposed to sacrifice himself. [Laughter.] He certainly need not have told us that; nobody would suspect him of any such patriotic ambition. [Renewed laughter.] Now, if any of these gentlemen were sacrificed in the cause of their country, I would write upon their tombstones this epitaph: "Here lies a noble patriot, who loved his country better than himself"—an epitaph which I would never be able to write, I am afraid, on the tomb of the Senator from New Hampshire. [Laughter.]

Mr. HALE. Mr. President, the honorable Senator, it seems to me, has been a little personal. [Laughter.]

Mr. CLAY. Oh, no.

Mr. HALE. I do not know whether the honorable Senator's vocation is to write epitaphs; but I can tell him that I think the epitaph which the country will write and has written upon a great many men that have been sent here from the North, and who have lost the little muscle they possessed when they were with their constituents, is this: "Here lies a man, not who sacrificed himself for his country's good, but who sacrificed his constituents for the good of office;" and I think of those men who voted for the Missouri Compromise I know something in regard to their fate. I remember hearing a member, now living, who was a member of Congress from New Hampshire, and a late chief justice of the Supreme Court, (Arthur Livermore,) tell me that, upon his return home, just subsequent to the passage of the Missouri Compromise, in passing from the seat of Government to New Hampshire, he found some men who had voted for that measure in that very Congress which had just adjourned holding offices under the General Government. That was the epitaph that was written for those men.

Mr. CLAY. I do not believe that to be the fact.

Mr. HALE. Well, sir, I will give the location. Connecticut was the place where he told me that he saw a postmaster appointed from among those who voted for the compromise. There are Connecticut members here who can tell whether the fact is so or not. The Senator says he does not believe such was the fact. As a matter of information I have no doubt of the fact. I know what was the case of an individual from the State I represent in part. I do not know that he got into the post office quite as soon as he reached home, but it was very soon after.

Mr. DAWSON. I would like to ask the Senator from New Hampshire a single question, if he has no objection. Of what value is the best post office in New Hampshire?

Mr. HALE. The honorable Senator has, I suppose, asked me a question which is indicative of the measure of patriotism among his own members; for I can give no other reason for his putting the question. I believe the salary of a postmaster in New Hampshire is about two thousand dollars—enough to command votes either in New Hampshire or Georgia. [Laughter.]

That, sir, has been the history of this matter; and when the honorable Senator from Kentucky holds up the men who went for the Missouri Compromise as an example, I claim the privilege of holding them up as a warning. It is no menace, and I do not intend it as such.

The honorable Senator says I stated that I would not sacrifice myself for the good of my country. I have never said such a thing: What I did say was this: that I was not so ambitious as to bury myself in a martyr's grave which was dug for those who sacrifice their constituents to the seductions and blandishments of power. I know it is a popular thing to have a great matter of adjustment and compromise. I know there is something taking in it—something seductive and alluring to the imagination, and calculated to mislead the judgment. But, sir, stripped of all these allurements and blandishments—looking at it, not with the decorations in which the honorable Senator's eloquence has portrayed it, but in the plain, simple, naked visage of truth, what do we see? What do those who are opposed to the spread and extension of slavery see? I will not go into any delineation of what we do see; but, suffice to say, we see that which our judgments condemn, and which is abhorrent to every feeling of our nature; and no reproach, no obloquy, no art, no sarcasm, no menace, can, by any possibility, swerve the man who feels thus, in regard to the measure which is brought before him, from the position he has once taken.

Mr. CLAY. Sir, there are two kinds of sacrifices which men make for office. One is a sacrifice to power here, and the other is a sacrifice to constituents at home, feeding their prejudices and ministering to their antipathies. Now, although the honorable Senator may not be ready to sacrifice himself to the gifts of power and authority here, I do not see him disposed to make any sacrifices, or to be unwilling to accept office from that other source of power. On the contrary, I fear he has exhibited too much readiness to minister to local and unfounded prejudices, and to inflame sectional animosities among the people whom he represents.

The honorable Senator talks about the sacrificing of Northern rights and power. What rights are sacrificed in this measure? Let him specify. What rights are sacrificed? What concession of power and authority is made by the North in this measure? It is in the high degree of probability, that all the newly acquired Territories will ultimately be dedicated to the cause of free soil, without the Wilmot proviso. Do they hug that precious "Wilmot" so to their bosoms that nothing but that will do?—that no other obstacles, no other preventives to the introduction of slavery in the Territories will satisfy them but Wilmot, *Wilmot*, WILMOT? Is that a sacrifice? To what power is the sacrifice made here? Are they not satisfied with every real security for the accomplishment of their wishes? or do they require to inflict what they know is regarded as derogatory to the honor and the feelings of the South?

Sir, Mr. Monroe was in office at the time of the passage of the Missouri Compromise, and I do not believe one word of any man getting into office in consequence of or as a price for his vote upon that occasion—I care not whence the charge may come. I know most of the men; and if I had been aware of the Senator's intention to go over again the list of Northern men who voted for that Compromise, I would have fortified my own recollection by a resort to the journals of the House. Henry Baldwin got no office; Henry Storrs got none; Henry Shaw got none; Judge Ford got none; and I suppose they constitute about half the Northern vote for that measure. Mr. Foot got no office. Mr. Holmes got none from the General Government until long after, when he was appointed district attorney. Some ten or twelve years after, when Mr. Adams was in power, he may have got an office. Here, then, we have six or eight out of the number who got no office: and when Mr. Livermore, or any body else, ventures to make a charge against the memory of that virtuous patriot, Monroe, and hold out the idea that offices were distributed as a reward for the votes given, let him specify the men and the offices. I do not believe one word of it. It is a mistake. I dare say the Senator believes what he has stated; but his informer is mistaken.

Sir, really these little posthumous debates, after one has become exhausted by the main battle of the day, are very unpleasant. But I stand up here for this measure, and I do not want the Senator to deal in declamation. I ask him *what* right is sacrificed by the North in this measure? Let him tell me if the North does not get almost every thing, and the South nothing but her honor—her exemption from usurped authority to the Texas land which I have mentioned, together with the fugitive slave proposition, and

an exemption from agitation on the subject of slavery in the District of Columbia. I do not want general broadcast declamation, but specifications. Let us meet them like men, point upon point, argument upon argument. Show us the power here to which Northern sacrifice is made. Show what sacrifices, *what* is sacrificed by the North in this bill. That is what I want.

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