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MR. CALHOUN'S ADDRESS

To the People of the Southern States.

Several reasons would have prevented me from faking any notice of Col. Benton, if his attack in his late speech, delivered in the Capitol of Missouri, had been directed exclusively against me. The line of conduct I have prescribed to myself, in reference to him, is to have as little to do with him as possible; and, accordingly, never notice what comes from him, even in his character as Senator, when I can avoid doing so consistently with my public duties. I regard him in a light very different from what he seems to regard me, if we may judge from the frequency and violence of his attacks on me.

He seems to think I stand in his way, and that I am ever engaged in some scheme to put him down. I, on the contrary, have never for a moment thought of raising him to the level of a competitor, or rival, nor considered it of any importance to me whether he should be put down or not. He must think he has something to gain by assailing me; I, on the contrary, feel I have nothing to gain by noticing him, and when compelled to do so, am satisfied if I escape without some loss of self-respect. I have another reason for not desiring to notice him on the present occasion. All his charges against me, with few and trifling exceptions, are but the reiterations of those often made heretofore by himself and others, and which I have met and successfully repelled in my place in the Senate or community, there can be no better proof, than is afforded in the laborious and tiresome effort he made in his present speech to revive and give them circulation.

Under the influence of these reasons, I would have remained silent had I alone been concerned. But such is not the case. His blow is aimed much more at you than me. He strikes at me for the double purpose of weakening me in your confidence, and of striking at you and your cause through me, which he thinks can be done more effectually indirectly than directly. Thus regarding this attack, I feel it to be a duty I owe you and your cause to repel it.

The effort of Col. Benton, from the beginning to the end of his speech, is to make out that I have ever been unfaithful to your cause, and true to that of the Free Soilers and abolitionists; while, on the contrary, you had in him an unknown but faithful friend on all occasions. He assumes that you and they have been both mistaken in reference to my course; you in regarding me as a friend and supporter of your cause, and they in regarding me as hostile to theirs. Judged by appearance, his object would seem to be to expel this delusion, while in truth it is to give you and your cause, what he hopes will prove, deadly blows.

This the Abolitionists and Free Soilers well understand. The disguise was not assumed to deceive them, but to deceive you. They understand him, and have hailed with acclamation his speech, and published it and circulated it far and near, and glorified it and its author to the skies. They rejoice in the belief that it has demolished me, and this too, when it holds me up as the truest and best friend to their cause. It remains to be seen, whether you will understand him as perfectly as they do, and will meet the speech, so lauded by them, with the reprobation due to effrontery and desertion. It is not the first time that a deserter has had the assurance to address those he deserted, and while professing regard for their cause, denounce those who remained faithful to it.

The history of our revolution furnishes a notorious instance of the kind. The deserter in that instance

failed to deceive those whom he addressed, or to shake their confidence in those who remained faithful to them, and in return for his effrontery and desertion, they sent his name down to posterity with reprobation. It remains to be seen whether such will be the fate of the deserter in this instance.

He commenced his speech with attacking the resolutions I offered to the Senate the 19th February, 1847, and charges that they were introduced for the purpose of disunion. That you may judge for yourselves, whether they are liable to the charge or not, I insert them.

“Resolved, That the territories of the United States belong to the several States composing this Union, and are held by them as their joint and common property.

“Resolved, That Congress, as the joint agent and representative of the States of this Union, has no right to make any law, or do any act whatever, that shall, directly or by its effects, make any discrimination between the States of this Union, by which any of them shall be deprived of its full and equal right in any territory of the United States, acquired or to be acquired.

“Resolved, That the enactment of any law which should, directly or by its effects, deprive the citizens of any of the States of this Union from emigrating with their property into any of the territories of the United States, will make such discrimination, and would, therefore, be a violation of the Constitution, and the rights of the States from which such citizens emigrated, and in derogation of that perfect equality which belongs to them as members of the Union, and would tend directly to subvert the Union itself.

“Resolved, That, as a fundamental principle in our political creed, a people, in forming a constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure liberty, prosperity and happiness; and that in conformity thereto no other condition is imposed by the federal constitution on a state, in order to her admission into this Union, except that its constitution be republican, and that the imposition of any other by Congress, would not only be in violation of the Constitution, but in direct conflict with the principle on which our political system rests.”

They are, as you see, confined to asserting principles appertaining to the nature and character of our system of government, and making inferences clearly deducible from them, and which are of vital importance in the question between you and the north in relation to the Wilmot Proviso. If the facts be, as the resolutions stated, there is no denying the inference; and if both be true, than your right to emigrate with your slaves into the territories becomes unquestionable under the constitution. This he felt, and hence his bitter denunciation of them.

But he has confined himself to denunciation without making an effort to refute the resolutions, by showing they contain error, either as to the facts asserted, or inferences deduced. He knew that to be beyond his power, and prudently avoided it. But, if the resolutions be true, as he is compelled to admit they are by his silence, how can they be a firebrand as he call them, or be justly chargeable with disunion? Col. Benton has his own way of proving things, which appears to be very satisfactory to himself, but to no one who will take the pains to examine his assertions and reasons.

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Despairing of finding any thing like disunion in the resolutions themselves, he seeks for it in the motive which he gratuitously assigns to me for introducing them. He first asserts, that they are the prototype of those adopted by the Legislature of Missouri at their late session, and then asserts that the only difference between them is, that mine aim directly at disunion, and theirs ultimately at the same thing, for which he offers no reason, except that theirs pledge the state to co-operate with the other slaveholding states.

He thus assumes, that your aim as well as mine, is disunion; and this, while he is exerting himself to the utmost to discredit me with you as a disunionist; for it is apparent his speech was intended to have its effects generally, as well as on his own constituents particularly. He then drags in the Accomac resolutions to prove that at the object is a convention of the southern states, and that he assumes to be proof conclusive, that disunion is intended by my resolutions. He is quite horrified at the idea of your meeting in convention, in order to consult on the best mode of saving both yourselves and the Union; if, indeed, the madness of fanatics, and the treachery of deserters, should not make the latter impossible. He next asserts, in order to prove that disunion is their object, that they render the adjustment of the territorial question impracticable, and that that was my motive for introducing them. He makes this assertion in the face of facts perfectly well known to him; but the northern members, with a very few honorable exceptions, had rejected every effort at compromise, and had declared their fixed determination not to accept of any.

It was again: this arrogant and uncompromising course that I offered my resolutions. It was then, they and not me, who took ground against compromise or adjustment. So far from this being true, I have ever been in favor of any fair adjustment, which was consistent with your constitutional rights. Of this I gave very strong proof at the very next session, by supporting the bill reported by Mr. Clayton, which left the decision to the adjudication of the courts. The Bill would have passed but for his associates, the Abolitionists and Free Soilers, and the question in controversy between the two sections, in reference to territories, finally adjusted; and yet, he knowing all this, had the effrontery (to call it by no harsher name) to charge me, and not them, as opposed to any adjustment, and that too for the base purpose of destroying the Union.

But all these assumptions were but preliminary to a charge still more audacious; that I am the real author of the Wilmot Proviso. He calls it the Calhoun Proviso, and says that I am better entitled to its paternity than Wilmot himself, which he accompanies by strong denunciations of the proviso, and a long enumeration of the many and great evils it has inflicted on the country. What effrontery! He, the avowed advocate of the Wilmot Proviso, accuses me of being its author, and denounces it in the most unmeasured terms in the same speech, in which he praises it and declares himself to be in its favor! He would seem to be perfectly indifferent of the recoil on himself, when his object is to assail me. There is no term in the language, by which such a combination of insincerity, inconsistency, and ruffian effrontery can be characterised. The way in which he attempts to make out his assertions are in keeping with their character.

He first assumes that the Wilmot Proviso and the Missouri Compromise are identically the same, and then undertakes to prove that I am the author of the latter, and, of course, also, of the former. This must be a piece of strange intelligence to Mr. Clay,

and his friends and admirers. I had supposed there was no doubt whatever as to his being the real author of the Missouri Compromise. It was he who devised the measure, introduced it into the House of Representatives, carried it through, by his address, and gloried in the reputation of being its author. It is a little cruel to strip him of the honor of being its author at this late date, and to bestow it upon another, who no one ever suspected of being so, until Colonel Benton discovered it.

But, if he could really make out that I am the author of the Missouri Compromise, he must go one step further to make me the author of the Wilmot Proviso. He must prove the two measures to be identical: this he has not one even attempted. Instead of that he has adopted his usual course of assuming what he is incapable of proving. It is a very easy way to reach a conclusion that is desired. In this, too, he has disclosed his wonderful aptitude to see what no one ever before saw, or suspected. Heretofore all had supposed that they were very different things—that a compromise was essential to one, while the other necessarily excluded it—that one pre-supposes a conflict of opinion between parties, on a question of right or expediency, to have been adjusted on ground in which neither surrendered its rights or opinion.

The other, on the contrary, pre-supposes a positive assertion of right or opinion, to the exclusion of all compromise. Thus, in the case of the Missouri compromise, the north and the south differed on the constitutional question, whether Congress had the right to prohibit the introduction of slaves, as a condition of admitting a state into the union. One contended that Congress had the right to impose whatever condition it might think proper on a territory about to become a state, and the other that it had no right to impose any except that prescribed by the constitution—that its government should be republican.

The north, in that case, waived the claim of power, on the proposal made by Mr. Clay, to fix the northern limits of the territory into which slaves might be introduced, at 36 30. This proposal, although made by a southern member, was taken up and carried by the vote of the north, and thus became, in fact, their offer to compromise. The south, however, acquiesced, without yielding her principles, or assenting or dissenting as to the power of Congress to exclude slavery from the territories. It was a compromise in which both waived, but neither yielded its opinion as to the power of Congress.

Very different was the case in reference to the Oregon bill, passed at the session preceding the last.—There the north contended for the absolute right to exclude slavery from all the territories, and announced their determination to do so, against the efforts of the south to compromise the question, by extending the Missouri Compromise line to the Pacific Ocean. The offer was scornfully refused, and the bill passed without any compromise. It was intended, indeed, to be the practical assertion of the naked principle, that Congress had the power to claim for it, by the Wilmot Proviso. It was the first act of the kind ever passed, and was carried by the desertion from your cause of Col Benton and Gen. Houston. It is not surprising that the former should be desirous of confounding this far more odious measure, with the Missouri Compromise, a much less odious one, in the hope of mitigating your deep indignation, occasioned by his betrayal of you, on a question so vital to the south.

But he had another motive, which will be explained hereafter, and which it is still more desirable to him, that the two should be confounded and regarded as identical. When it comes to be explained, it will be seen, that it was necessary that they should be, in

order to extricate him from a very awkward dilemma, in which he has placed himself. Job exclaimed "Oh that mine adversary had written a book;" and well might I have exclaimed, oh that my adversary might make a speech. His adversary must have been very much like mine. We have never heard whether his had the folly to accommodate him as mine has had to accommodate me.

I have now effectually repelled his preposterous charge, that I am the author of the Wilmot Proviso; for it is utterly impossible that he can ever show that I am the author of the Missouri Compromise, or that that compromise and the Wilmot Proviso are the same. But as he has made it the position from which to assail me with the charge of disunion, and through me you including his own constituents, I shall follow him step by step, through the long process, by which he makes the desperate endeavor to establish his preposterous charge, by attempting to show that I have changed my opinion, as to the powers of Congress over the territories.

But my purpose is more to expose his inconsistency, contradictions and absurdities, than to refute what he advances as argument. If he could prove to a demonstration, that I have changed my opinion, it could have no weight whatever, towards showing that my resolution aimed at disunion. Nor do I deem it a matter of any importance in this connection, whether my opinion has or has not undergone a change, in the long period of thirty years, since the adoption of the Missouri Compromise. At that time, the power of Congress over the territories had received but little consideration, while for the last few years it has been a subject of vital interest to you, and, as such, has been thoroughly investigated by myself and others, whose duty it has been to defend your rights in the councils of the Union, in reference to it.

To substantiate the charge of change of opinion, he introduced a copy of what purports to be a draft of a letter found among the papers of Mr. Monroe. It is said to be in his hand writing. It is without date, not signed, or addressed to any person by name, but contains expressions which leave no doubt that it was intended for General Jackson. This paper was found filed away with another endorsed "Interrogatories, Missouri—March 3d, 1820." "To the Heads of Departments and Attorney General." It contains two questions, of which the one pertinent to the present subject is in the following words: "Has Congress a right, under the powers vested in the Constitution, to make a resolution prohibiting slavery in a territory?"

The only material sentence in the draft of the letter, in reference to the point under consideration is in the following words: "I took the opinion in writing to the administration, as to the constitutionality of restraining territories, which was explicit in favor of it." These are the exact words of the sentence as finally corrected by its author. It is explicit as to the statement, that the administration, as a body, was in favor of the constitutionality, but furnishes no proof whatever of its members being unanimous, and of course no evidence that I or any other particular member of the Cabinet, was in its favor.

This deficiency Col. Benton undertakes to supply, first, from the interlining, and next a statement purporting to be from the diary of Mr. Adams. First, as to the interlining—instead of the expression which was "explicit" as it now stands, it read in the original draft: "and the vote of every member was explicit." These words were all struck out except "explicit," and in their place the following words were interlined in the first instance: "which were unanimous and;" afterwards the words "unanimous and" were struck out, which left the paper as it now

stands. Now, I hold it to be clear, that the interlining and striking out so far from strengthening the inference that the Cabinet were unanimous, as Colonel Benton contends, it strengthens and sustains the very opposite.

So far, then, it is certain the draft of the letter, standing by itself, instead of furnishing proof that the cabinet was unanimous, furnishes proof directly to the contrary. Even Col. Benton himself seems to have been conscious that it furnished no satisfactory proof as to the unanimity of the cabinet, and endeavors to supply this defect from statements purporting to be taken from the diary of Mr. Adams. From these, it would appear, that a meeting of the cabinet was held on the 3d of March, for the first time, to consider the compromise bill, and that according to the statement of Mr. Adams, the cabinet were unanimous upon the question of constitutionality. It also appears that the President so liked the two questions on the 5th of March, informing him at the same time that he desired answers in writing from the members of the cabinet, and the answers would be in time if received the next day. Such is the substance of the statement purporting to be taken from his diary.

Connecting this with the draft as it originally stood, and the subsequent alterations, including the date of the memorandum filed with it, the natural interpretation of the whole affair is, that Mr. Monroe drew up interrogations, and the draft of his letter intended for Gen. Jackson, on the 4th of March, the date of the memorandum. It could not have been earlier according to the diary of Mr. Adams, nor probably later. He did not date the draft, because the letter could not be finished and transmitted to Gen. Jackson, until after he had signed the bill. The draft was drawn up as it stood, in all probability on the basis of the opinion expressed on the third of March, the first day of the meeting of the Cabinet, and which, at the time the diary states was "unanimous," and that doubts and uncertainty of opinion were expressed by some of the members on the two subsequent days (the 5th and 6th of March.) which caused the interlining and the first modification of the draft as it now stands. It is difficult to give any other explanation.

I turn now to Col. Benton's reasoning upon the subject. He alleges that the words and vote of every member was explicit were struck out, and "explicit" inserted, evidently to avoid violating the rules of the Cabinet secrets, not to tell the opinion of members which the word "unanimous" would do. His statement contains two errors, as to fact. "Explicit" was in the original draft and never struck out. Unanimous made no part of the original draft, as he supposes. It was a part of the interlining at first, but subsequently struck out. All this is apparent from a certified copy of the paper now before me. Thus his reasoning falls to the ground. He carries the rule of Cabinet secrets very far, much farther than he does the same rule applied to the secrets of the Senate.

Who ever heard that it was a violation of any rule of cabinet secrets to say the administration was unanimous or divided? It is constantly said in reference to their meetings, and yet he would have you believe, that it would have been a breach of confidence in Mr. Monroe, in writing a confidential letter to a friend of high standing, to say that his cabinet were unanimous and especially as the question was one of constitutionality, and not of policy. What member of any cabinet would be so base and cowardly, as to desire to conceal his opinion on a constitutional question? Who, accordingly, did not know at the time, that the opinion of the cabinet of Gen. Washington was divided on the question of chartering a bank, and what side every member took?

Col. Benton's explanation is destitute of even plausibility, and leaves the draft to speak for itself, as it stands; and that clearly against the Cabinet being unanimous. The diary of Mr. Adams finishes the only opposing evidence. Now, I hold it to be a sound rule, that a diary is no evidence of a fact against any one, but he who keeps it. The opposite rule would place the character of every man at the mercy of whoever keeps a diary. It is not my object to call in question the veracity of Mr. Adams, but he was a man of strong prejudices, hasty temper, and much disposed to view things as he desired. From his temperament he would be liable to notice and mark what fell within his own view, and to pass unnoticed what did not. I venture little in saying that if his diary should be published during the lifetime of those who were on the stage with him, its statements would be contradicted by many, and confirmed as I have stated. But few statements from it have yet been brought to the notice of the public, but even of these few two have been contradicted: (one if my recollection serves me,) related to Gen. Jackson, and the other, to a Mr. Harris, of Philadelphia, during the administration of Mr. Monroe.

Opposed to the statement of Mr. Adams, stands the fact, that no opinions as is admitted by Col. Benton, are to be found on the files of the Department of State, nor any evidence that such opinions were ever filed; although the statement purporting to be from the diary of Mr. Adams says, that Monroe directed them to be filed. One of two things would seem to be clear; either he fell into an error, in making the entry, or that he failed to place them on file, in consequence of some subsequent direction from the President. It is hardly possible, if they had been placed on file, but that they would still be there, or some evidence, in existence, that they had been there. My own recollection is, that Mr. Monroe requested the opinion of the members of his cabinet in writing; but that in consequence of want of time to prepare a written opinion, or some other cause, none was given, and this I stated in the Senate, when General Dix brought up the question as to the opinion of the Cabinet of Mr. Monroe, before the fact was disclosed, that there was no written opinion on the files of the department. I have entire confidence, that if any was given, it amounted to no more, than the simple affirmation, or negation of the power. The time did not admit the preparation of an elaborate opinion, and if any such had been given, it is impossible that I should so long have remained concealed from the public. As to the insinuation, that I am the only member of the Cabinet of Mr. Monroe, who has since been Secretary of State, and all others of like character, I pass them with the silent contempt due to their baseness, and the source whence they came.

This is, beside, a fact which clearly shows, that there had been a considerable change of views from the 4th to the 6th of March; I allude to the fact, that the draft of the letter intended for General Jackson was never sent. It is inferrible from the fact, that there is no such letter to be found among his papers, after the most diligent search. It is not improbable that the same change of circumstances which caused the striking out and inserting, and which induced him not to finish and transmit the letter to General Jackson as intended, induced him also, finally, to dispense with a written opinion, and will account why no such opinion is found on file.

But suppose the case to be as Col. Benton contended; of what importance is it, or how does it enable him to make out his charge, that the resolutions which he so vehemently denounces, were introduced for the purposes of disunion? The opinion of the

cabinet, whether for or against, whether unanimous or divided, whether written or unwritten, were given under circumstances which would entitle them to but little weight. In the first place, there was no time for consideration. But one day elapsed from the time the questions were put and sent to the cabinet, until a final decision was made. In the next place, the subject was little understood, and had at that time received little consideration.

The great point in the discussion of the Missouri question was whether Congress had a right to impose any other limitation on the admission of a state into the Union, than that prescribed by the constitution. The question of its power over the territories did not come up until near the end of the discussion; and, according to my recollection, was scarcely noticed, much less discussed. So loose, indeed, was the prevailing opinion at the time, that the power of legislating over them was believed to be derived from that portion of the constitution, which provides "that Congress shall have power to dispose of, and to make all needful rules and regulations respecting the territories and other property belonging to the United States."

Such would seem to have been the opinion of Mr. Monroe, judging from his manner of propounding the question. He puts it in language borrowed from the provision "to make a regulation prohibiting slavery in the territories" and not to make a law to prohibit. But since then, a more careful examination has established beyond all reasonable doubt, that this provision was intended to be limited to the disposition and regulation of the territories, regarded simply as land or property, and that it conferred no power whatever beyond, much less, that of prohibiting slavery under such circumstances, even if it could be made out beyond a shadow of doubt that the cabinet was unanimous, and that its members gave written opinions in the affirmative, it could have little right in settling the constitutional question; and yet Col. Benton, in his zeal to strike at me, and through me at you and your cause, insists that Mr. Monroe's cabinet forever foreclosed the question against the south.

To establish a doctrine so absurd, he by implication, lays down a rule, that the opinion of Congress, or any department of the government, once expressed on a constitutional question settles it forever; and this too when it is well known that it is in direct contradiction to the course he pursued in reference to the Bank of the United States. The right of Congress to charter such a bank had again and again been sanctioned by Congress, and every department of the government. That he did not consider all this as settling the constitutional question, the long war he waged against the institution proves conclusively.

It is his fate to involve himself in dilemmas at every step he takes, and which he is either too blind to see, or too reckless to regard. He has labored through many columns to prove, that the cabinet of Mr. Monroe was unanimous in favor of the power of Congress to exclude slavery from the territories, and that they gave written opinions to that effect, in order to prove that I am the real and responsible author of the Wilmot Proviso, without apparently perceiving, that if he could succeed, it would destroy his conclusion; for if the cabinet was unanimous, how could I alone be responsible? He seems to have felt the dilemma after he got into it, and has made a desperate effort to escape from it. For that purpose he had to falsify the constitution, and to assert that the veto power was vested in the cabinet, and not in the President, when that instrument expressly provides, that "the Executive power shall be vested in the President;" and that every bill shall be presented to the President for his approval or disapproval; and

that, if he approves of it, it shall become a law, and, if he disapproves it, shall not, unless passed by two-thirds of both houses of Congress. He follows up this false assertion by another: that I had one-fifth of the veto power in my hands, when, in fact, I had no part, and when the paper, on which he relies to make out his charge, shows on its face, that the cabinet consisted of six and not five, and of course, if it had the veto power, but one sixth part was vested in me. But this double mistake is not sufficient of itself to support his charge. The question would still remain, How could I be solely responsible, when, according to his own showing, I had but a fifth of the power? Upon what principle of justice could I be made responsible for the acts of the other three, or as the fact really is—the other four? To escape from this dilemma, he attributes to me the most commanding influence over the cabinet—so commanding as to be able to draw over to my side a sufficient number of members to make a majority; and this, too, when it is apparent from the paper from which he draws his statement, that Mr. Monroe had no doubt as to the power of Congress. I then, in order to command a majority, would have had to control three other members against him, which Col. Benton seems to think I could have done very easily, if I had thought proper. He seems to have a most exalted opinion of my abilities, far more so than I have of his. Wherever I am placed, whether in Mr. Monroe's, or Mr. Tyler's cabinet; whether in the Senate, or the House of Representatives, or in the chair of the Vice President, I alone, in his opinion, am responsible on all questions.

I have now traced him through the long process by which he attempts to prove that I am the author of the Wilmot Proviso, and by consequence, of all the mighty evils that have followed in its train, and which he exhibits with so much parade; but, after all, mighty as he represents them to be, they are not so much so, as to prevent him from declaring himself to be a Wilmot Proviso man. He follows up his charge, by asserting that the effects of disclosing the opinion of the cabinet by Mr. Dix introducing the paper, compelled me to close my lips, abandon my resolutions, and to give up my intention of making the subject of a general debate at the next session, with the intention, to use his own language, to make a chance for myself at the next Presidential election by getting up a test which no northern man could stand. All this is just as erroneous, both as to facts and inferences, as are his statements and reasons, in his vain attempt to make me the author of the Wilmot Proviso.

If by abandoning my resolutions, he means, that it compelled me to abandon their principles on a single position taken by them, or to be silent as to the constitutional power of Congress over the territories, his assertion would be false throughout. The resolutions were introduced, as he states, the 19th day of July, 1847, near the close of the short session. So far from abandoning them, or from keeping silent, I discussed the principles on which they rest in the debate on the bill to establish the territorial government of Oregon, at great length, at the next session, and established them by arguments that have never yet, and, I will venture to say, never will be, refuted. Few have undertaken to refute them, and those who have undertaken it signally failed. Others, like Col. Benton, have taken the more prudent course, to cry out fair brand; disun—instead of attempting to refute them.

But if he means that I was deterred from introducing my resolutions at the next session, by the cause which he assigns, a simple statement of facts will give his assertion a flat contradiction. He has made his statement so as to make the impression that

Mr. Dix introduced the paper at the same time that I introduced my resolutions, or at farthest, early in the next session; for otherwise it would not suffice to show that it was owing to its introduction, and the disclosures it made, that I was deterred from introducing them, as he states. The fact is no so. The session commenced the first Monday of December, 1847, and Mr. Dix did not introduce the paper until the 26th of July, 1848, nearly eight months subsequent, and one month after I had fully discussed the principles of my resolutions. Did he see that it would have been manifest at once without a word from me, if he had given the dates? And was not that his reason for not giving them?

Col. Benton seems to be conscious that it was necessary for him to explain why he had not assailed my resolutions, and the base and corrupt motives he attributes to me for introducing them, long before, and in his place in the Senate; accordingly he has attempted to make one. He asserts that Mr. Calhoun's resolutions are those of the Missouri Legislature. They are identical. One is copied from the other. When the original is invalidated, the copy is of no avail. I am answering his resolutions, and choose to do it. It is just and proper that I should do so. He is the prime mover and head contriver. I have had no chance to answer him in the Senate, and it will not do to allow him to take a snap judgment upon me in Missouri, in carrying disunion resolutions in my own state, which he has been forced to abandon in the Senate. Duty to the country requires me to answer him, and personal reasons reinforce that public duty.

His explanation then, is, that notwithstanding his burning zeal to defend the Union and his own character against those wicked resolutions, "he could get no chance before to answer them." What! could get no chance from February, 1847, until June, 1849, (the date of his speech) a period of upwards of two years! Could get no chance when they were first introduced and discussed? None, during the long session which followed, and which lasted more than eight months? None, during the long and full discussion on the Oregon Territorial bill, when the principles of the resolutions formed the basis of the argument on the side of the south? None, to reply to me, who fully discussed, and, I may say, established, them beyond controversy? None, during the discussion of the report of the select committee, of which Mr. Clayton was chairman? None, on the discussion of the bill from the House of Representatives, which applied the Wilmot Proviso to the Oregon Territory, and which was passed by his vote, and his friend General Houston's? None, during the whole of the last session, and still more wonderful, none in making his last speech? I say none, for he confined himself to denunciation and abuse of the resolutions, without even attempting to answer them. No, he never could get, and never can get a chance to answer them.—For every other purpose, he can get a chance whenever he pleases. No one is better at getting a chance when he is disposed. He had no difficulty in getting a chance to pour out a torrent of abuse, to empty seats, against the late General Kearney, day after day for the greater part of a week, and that too, just at the close of a session, to the utter disgust of the Senate, and at the hazard of defeating many bills then ready for final action. I might go on and repeat similar questions, until they would fill pages, but enough has been said to prove that his explanation is puerile and hollow.

He had many fair chances to answer the resolutions, and could have made one, if he desired it, at any time; but there were two reasons which prevented him. The first is, that although he had made up

his mind to desert you and your cause before the introduction of the resolutions, he saw the hazard, and was unwilling to take that step hastily. The Missouri resolutions forced him to disclose his intentions, and to proclaim his desertion, before he was fully prepared to execute his design; and hence the depth to which they have excited his ire. The other is, that he had too much discretion to address such a farago to a body too well informed to be imposed upon by old, stale, and oft-repeated charges. He knew, besides, that they would have been promptly met and repelled, and that the antidote would go with the poison. He knew this from experience. He had tried it before. It failed most signally.

It was in the session of 1847, a few days after I had introduced the resolutions. In that attack he paraded nearly in the same words, all that he has charged, in this, about the Florida treaty, Texas, and almost every other subject. He had taken time and prepared deliberately. It was given out that he would demolish me. The Senate was crowded by those who wished to witness the sacrifice. I rose and repelled off hand his charges. I leave those who were present to decide with what effect. It was certainly not to his gratification or satisfaction. He did not even attempt a rejoinder. But what becomes of his apology, that he had no chance to reply to my resolutions? They had been introduced but shortly before, and then he had a full chance to answer them. He then assailed every act of my life, which he thought he could distort, so as to make a plausible charge against me. Why then omit to answer resolutions, which he now holds up as the worst and most objectionable of all? Can any answer be given, except that he is either not sincere in what he now asserts, or that the time had not then arrived, at which he could safely venture to betray you?

But, according to his own statement, he is impelled, in making his attacks, by private grief, as well as public considerations. He says, I instigated attacks on him for twenty years. I instigate attacks on him! He must have a very exalted opinion of himself. I never thought of such a thing. We move in different spheres. My course is, and has been, to have nothing to do with him. I never wanted his support, nor dreaded his opposition. He took the same ground in his speech, just referred to, and endeavored to establish the charge by what purported to be an extract from a letter, which he states was delivered to him by some person unnamed, and was written by an unknown person to an unknown person. He introduced it into the Senate in a manner to make the impression that I was its author. I rose, and asked him if he intended to assert that I was. He stood mute at first, but was forced to admit I was not. I then repelled his charge with a scorn, which the base insinuation that I had any knowledge or connection with it whatever, deserved. He was covered with confusion; and yet he has the effrontery to introduce it again to the public, accompanied with the same insinuation which covered him with disgrace at its first introduction.

But the deepest wound, it seems, was inflicted by a statement in my address to the people of Charleston, on my return home after the session of 1847 and 1848, that he voted for the bill establishing the territory of Oregon, containing the principle of the Wilmot Proviso, and that he and General Houston, were the only two southern members who voted for it—that without their votes it would not have been defeated, followed by the expression of an opinion that for so doing they deserved the reprobation of the whole south. Neither of them have ever denied the truth of my statement, nor ever can. Every word is true, as the journals of the Senate show. The state-

ment itself is in plain language, and free from distortion or exaggeration. The fact stated, related to official acts which it was important my constituents should know. In expressing my opinion, I abstained from impeaching motives. All was done within the rules of decorum, and those that govern parliamentary proceedings. Wherein then consists the offence? I am at a loss to perceive, except the principle be adopted: "that the greater the truth the greater the libel." It may be that it was regarded as an offence, because it was calculated to embarrass him, and thwart what he then meditated, and has since carried into execution—an open desertion to the abolitionists.

I pass now to his next charges. He asserts that I gave away Texas, and to make it out he asserts that Texas belonged to the United States when the treaty with Spain was made, by which she ceded Florida to us. He claims that Texas was a part of Louisiana a, and that its boundary extended to the Rio Grande; that it was all slave territory, and looked to us as the natural outlet for their great increasing slave population; and finally, that it was surrendered by the treaty of Florida, made in 1819, during the administration of Mr Monroe, of which I was one of the members. On this statement he rests his charge that I gave away Texas.

It is difficult for one who lacks sincerity, and is actuated by violent passions, to escape the greatest inconsistency and contradiction in detaching himself or a sailing others, in making a long speech.—Ben on furnish s a strong illustration of the truth of this position, and never more so, than in making the above statement. In order to aggravate the act of giving away Texas, which he charges me with, he has made assertions entirely inconsistent with the grounds he took, and the course he pursued while he questioned the annexation of Texas was before the Senate. He now asserts that the boundary of Texas as part of Louisiana extended to the Rio Grande, when the treaty of Florida was made, in the very teeth of the assertions he made, when the question of annexation was before the Senate. In the speech he made in May 1844, on the treaty for annexing Texas, he asserted that "The Texas which we acquired by the treaty of 1803, (that of Louisiana) never approached the Rio Grande, except near its mouth." To show that by "near its mouth!" he did not mean that it touched the river, he said speaking of Tamaulipas, one of the states of Mexico, that "it covered both sides of the river from its mouth for some hundred miles up." He asserted in the same speech that all New Mexico, Chihuahua, Coahuila and Tamaulipas made no part of the Texas which we acquired by the treaty of Louisiana. He estimates the part belonging to Mexico lying on the east side of the Rio Grande to be 2,000 miles long, (the whole length of the river,) and some hundred broad, and concluded by saying that "he washed his hands of all attempts to dismember the republic of Mexico by seizing her dominions in New Mexico, Chihuahua, Coahuila and Tamaulipas."

These were his assertions solemnly made, and, as he states, after the fullest examination, when his object was to defeat the treaty which I negotiated with the commissioners of Texas for its annexation. For that purpose, he attempted to show that the treaty covered a large part of Mexico, which never belonged to Texas, although the treaty specified no boundary, and left the boundary open on the side of Mexico, intentionally, in order to settle it by Treaty with her. But now, when his object is to show that I gave away Texas by the treaty of Florida, he holds a very different language. He does not, indeed, say in so many words, that Texas covered the whole region

from the Sabine to the Rio Grande, for that would have been too openly and plainly a direct contradiction to what he contended for, when his object was to defeat annexation; but he does the same thing, in a more covered and objectionable way, by using language that could not fail to make that impression on all who heard him, or who may read his speech.

He goes further. In order to aggravate the charge against me, he becomes apparently a warm advocate of slavery extension, as he calls it, and uses strong language to show the value of Texas to the south, in that respect. He says it was all slave territory; that it was looked to as the natural outlet of the southern states with their increasing slave population; and it was large enough to make six large states, or ten common ones. Such is his language, when his object is to prove that I gave away Texas. You would suppose from this language, that he was a slavery extensionist, as he calls all those who defend your rights, and that he placed a high value on Texas, as an outlet for your slave population, and to preserve our just influence and weight in the Union. One would conclude, but with these feelings and views, he would have been a strong advocate of the treaty that was rejected by the Senate, which proposed to annex Texas without any restriction whatever in relation to slavery so as to leave it, to use his own language, as the outlet to your increasing slave population. Instead of that, he made the most strenuous effort to defeat it, and contributed not a little towards it. He went further. After its defeat, he moved a string of resolutions, containing provisions for its admission, and among others, one which proposed to divide Texas into two parts, as nearly equal as possible by a line running north and south, and to allot the eastern to you, and the western to the abolitionists, to the entire exclusion of your "increasing slave population." It can hardly be that he forgot all this in delivering his speech; but if not, what matchless effrontery and inconsistency, to make the charge he does against me? There would indeed seem to be no limits to his audacity and inconsistency, and he appears to have selected Texas as a proper field to make the greatest display of them.

As if to cap the climax, after having so deliberately asserted, and so strenuously maintained, that the western boundary of Texas did not extend to the Rio Grande, he placed, a short time afterward, his vote on record, that it did, by voting for the bill declaring war against Mexico. The bill assumed it did, in asserting that the blood shed on the eastern bank, was blood shed on the American soil, which could not be, unless Texas extended to the Rio Grande. If it did not, the war stands without justification. If it did not, the march of our army to the Rio Grande was an invasion of a neighboring country, unauthorized by constitution or law; and yet Colonel Benton, who had but a short time before declared solemnly, after full investigation, that all the east bank of the river for some hundred miles wide, belonged to the Mexican Republic; and emphatically declared "he washed his hands of all attempts to dismember the Mexican Republic, by seizing her dominions, New Mexico, Chihuahua, Coahuila, and Tamaulipas," voted for the bill! He went further. He reported it, as the chairman of the Committee on Military Affairs, in total disregard of his own motion, made the day before, to refer so much of the message of the President as related to declaring war, to its appropriate committee—that on Foreign Relations. Comment is unnecessary.

But I am not yet done with Texas, nor with the effrontery and absurdity of the charges he made against me in reference to it. He says I gave it away; gave it away by the Florida treaty. How could I

give it away by that or any other treaty? The power to make treaties belongs to the President, and never was invested in me. It was, at the time, invested in Mr. Monroe, as President of the United States. Nor did I negotiate it. I was only one member of the cabinet, and the youngest of the whole. How could I, then, give away Texas? To prove the charge, he resorts to his old patent reasoning; but I was as powerful—so much so, as to make the President and all the members of the cabinet mere cyphers. He would have it that they were but tools in my hands; and I alone was responsible for all that was done. Well—if he will have it so, I meet the charge directly. It is no true, that the Florida treaty gave away Texas. I did not believe, when the treaty was made, that Louisiana extended, or ever did extend, to the Rio Grande, or even to the Neuces, and that it was uncertain whether it extended beyond the Sabine. I knew it was claimed to extend far beyond even to the Rio Grande; just as we claimed the whole of Oregon, and just about as little title. I have seen nothing to change this opinion; on the contrary, if my informant is correct, there are now documents in the State Department, obtained within the last few years, which conclusively prove, that Louisiana never extended an inch beyond the Sabine.

In reply to Col. Benton's assaults as to the treaty, I annex an abstract from a speech in answer to him, when he made the same charge in 1847. It was an off-hand reply to a premeditated attack.

The Florida Treaty, forming another subject of attack, figured also on that occasion, in connection with annexation; and what he said now is but a repetition of what he said then. He then, as now, made me responsible for that treaty, although I was but one of six members of Mr. Monroe's Cabinet, and the youngest of its members; responsible, without advancing a particle of proof that I even gave it my support or approbation. He rests the charge on some disclaimer, as it seems, that the then Secretary of State, (Mr. Adams) has, at some time, made, that he was not responsible for the treaty. The Senator may be right as to that; but how can that by any possibility show that I was responsible? But I am prepared to take my full share of responsibility, as a member of Mr. Monroe's Cabinet, without having any particular agency in forming the treaty, or influence in inducing the Cabinet to adopt it. I then thought, and still think it a good treaty; and so thought the Senate of the United States, for, if my memory does not deceive me, it received every vote of the Senate. [A Senator: "Yes, every vote."] It then received the unanimous vote of the Senate, promptly given. Of course, if that treaty was the cause of the war with Mexico, as the Senator seems to suppose, this body is as much the author and cause of the war, as the individual on whom he is now so anxious to fix it.

I have said it is a good treaty, not without due reflection. We acquired much by it. It gave us Florida; an acquisition not only important in itself, but also in reference to the whole southern western frontier. There was, at that time, four powerful tribes of Indians, two of whom, the Creeks and Choctaws, were contiguous to Florida; and the two others, the Chickasaws and Cherokees, were adjoining. They were the most numerous and powerful tribes in the United States, and from their position, were exposed to be acted on and excited against us from Florida. It was important that this state of things should terminate, which could only be done by the obtaining possession of Florida.

But there were other and powerful considerations for the acquisition. We had a short time before extinguished the Indian title to large tracts of country

in Alabama, Mississippi and Georgia, lying upon streams and rivers which passed through Florida to the Gulf—land in a great measure valueless, without the right of navigating them to their mouths. The acquisition of Florida gave us this right, and enabled us to bring into successful cultivation a great extent of fertile lands which have added much to the increased production of our great staple, cotton. Another important point was effected by the acquisition. It terminated a very troublesome dispute with Spain, growing out of the capture of St. Marks and Pensacola by Gen. Jackson, in the Seminole war; and, finally, it perfected our title to Oregon, by ceding to us, whatever right Spain had to that territory."

Nor is his next charge in reference to the tract of land lying west of Arkansas and south of 36 30, less baseless. He asserts that this strip of land, as he calls it, was enough to form two states, and that I "required this strip of land to be given up to the Indians, as a permanent abode; and that it was lost to the slave states." This, like his other assertions, is without foundation. He makes no attempt to establish it, but leaves it to be inferred from the mere statement that "I was at the time Secretary of War, and member of Mr. Monroe's administration." He knew it would not do to go into details, as they would refute his charge, and hence the vagueness of the language in which it is couched. What he omitted I shall supply. The history of the affair may be told in a few words.

The Choctaw tribe of Indians, at the time, inhabited the state of Mississippi, and occupied almost its entire territory, General Jackson and General Hines, of Mississippi, were appointed by Mr. Monroe to treat with them, for the purpose of obtaining a cession of a portion of their lands. They succeeded in obtaining a large tract, lying in the very centre of the state, and extending from Pearl river to the Mississippi, in exchange for all the territory lying between the Red river and the Arkansas, west of a line drawn from the point of the Arkansas, opposite to where the lower line of the Cherokee Indians struck it to a point on Red river, three miles below the mouth of Little river, and westwardly to the source of the Canadian fork of the Arkansas, and a line drawn due south to Red river.

But the treaty, in making the exchange, made no provision to change the character of the Indian title to the land given in Arkansas in exchange for that, which we received in Mississippi. Nor did it make it the permanent abode of the Indians, as he asserts. They hold it just as they held the land they ceded in Mississippi. Nothing was lost by the slaveholding states, but a great deal gained by the treaty. A large and valuable tract in the very heart of the cotton region, and lying convenient to market was acquired by Mississippi; without the loss of a single acre to her sisters of the slaveholding states. So that the great sympathy which he professes for the slave states, in this case, is misapplied. If he chooses to consider me responsible for the treaty, instead of Mr. Monroe, and the commissioners who made it, and the Senate that approved of it, he is welcome to do so, however contrary to the truth of the case.

Another, and only another treaty was made with that tribe, while I remained in the War Department. I was the commissioner on the part of the United States, and, of course, acknowledge my responsibility for its provisions. Instead of requiring a strip to be given to the Indians for their permanent abode, the Indians ceded to the United States by treaty a part, and a most valuable part without our ceding an inch to them. The entire line was moved westward, as far as Fort Smith, on the Arkansas, and thence by a line south to the Red river. Nor did it make the

slightest change in the title to what remained to the Indians, or provided a permanent home for them, as he would have you believe. So much for this charge and its author.

The next is of a kindred character. He states it still more vaguely; so much so that I am at a loss to know to which one of the many treaties made with the Indians about the region in question, he refers. He speaks of a slice forty miles wide and three hundred long, "cut off from Arkansas and given to the Indians;" "that it was done by the Indian treaty—treaty made by a protégé of Mr. Calhoun's;" and adds that I was Vice President at the time, but gives no boundary and avoids naming what treaty it was, with what tribe of Indians made, or the name of the person he calls my "protégé." It is an indictment, without specification of time, place, or circumstances, to which it is impossible to make a specific answer. But, fortunately such an one is not necessary to repel it effectually, without descending into details, which it is fair to presume, were omitted, because they could not be given without exposing the absurdity of the charge. His admission that the treaty was made while I was Vice President, furnishes me with ample means for that purpose.

It is sufficient to repel it, to state, that during the whole period that I filled the office of Vice President that of President was filled either by Mr. Adams or Gen. Jackson, and that it was my fortune to be in opposition to both, and the object of their strong dislike, as must be well known to all. I not only had no influence with either, but was the object of their persecution. My support of any measure, or recommendation of any individual, was sufficient to defeat the one and reject the other; and yet Col. Benton, who is familiar with all this, assumes, in making his charge, that I am responsible for a treaty made by either one or the other of them, it matters not which. It was going far to make me solely responsible for the acts of the administration of which I was no member; but to make me responsible, not only for them, but for the acts of those that were deadly hostile to me, is a piece of extravagance beyond the reach of any individual but the author of the charge. Even he, in this instance, seems to have a misgiving that he has gone too far; and in order to give some color to so wild a charge, adds that the treaty was negotiated by a protégé of mine. He must have been a fortunate man bearing that relation to me, to have got an appointment from either of the two administrations. I have examined all the Indian treaties relating to the region in question made during their administrations, in order to ascertain who this lucky individual could be, but have been unable to discover him. There is not a single treaty negotiated during the period, that was negotiated by any individual who had any claim to be called a protégé of mine.

But why charge me with being the author of a measure, by which these large tracts, sufficient as he says, to make two states, were lost to the slave states and given away to the Indians, when the authors of the measure by which they were given away, are known to all, and to none better than Col. Benton. They were the measures of Mr. Adams and General Jackson and their administrations. One or the other made all the treaties by which the old merely possessory title of the Indians to their lands, were converted over the whole territory, into a permanent right of possession, and property, and made the permanent home of the Indians, to use his own expression.—There was no treaty made while I filled the War Department, in Mr. Monroe's administration, which made any such alterations in the titles of Indians to lands west of the Mississippi, or any where else, to my knowledge.

The making of Indian treaties containing stipulations for permanent titles, and their removal west of the Mississippi, constituted a large portion of the doings of those administrations, and much of that, on which they rested their reputation. Much the greater part was the work of General Jackson's administration, with which Col. Benton was intimately associated, and over which he had sufficient influence to make himself responsible for no small share of its doings, especially as to what related to the west. In attempting now to shuffle off his part on of the responsibility, and that of the administration, and to place it on me, who was hostile to it, speaks badly for his manliness, or regard for the character of the administration of General Jackson, for which he professes so much attachment and admiration. He would hardly have ventured in the life-time of the "Old Hero," to make the heavy charge he has, against measures, of which he was the author, and on which he so much prided himself.

In his eagerness to assail me, he has lost, not only his discretion, but his memory. In order to make out that the anti-slavery party of the north duly appreciate the great service that I had done their cause, he says "that they gave proof of their gratitude, that I was then a candidate for the Vice Presidency, and became the favorite of the north, beating even Mr. Adams himself on the free soil track," forgetting what he had said just before, that I was Vice President at the time, when he well knew how I was elected for the first time Vice President with Mr. Adams, and of course, the vote of the north could not have been given me for the reason he assigns.

His next charge is, that I supported the abolition of slavery in a state. Among his other traits, Col. Benton is distinguished for charging on others, what he knows he is guilty of himself. Most men, from prudence and a sense of propriety, cautiously abstain from assailing others for what they know they may in turn themselves be justly assailed. Not so with him. He is one of the few who are ever more fierce in their assaults when they know they can be assailed for the same thing. They seem to delight in dragging down others to their own level, and to have a concealed joy in thinking that others partake of their own deformity. It is a trait so detestable, that those who are distinguished or it, or usually likened to a notorious personage reproving sin. Col. Benton has strikingly displayed this trait of character in the present charge.

He well knows how utterly false he was to you throughout, on the Texas question. He took, as has been stated, an active part to defeat the treaty of annexation, negotiated by me on the part of the United States. He knows that it contained no provision that contemned the abolition of slavery in any portion of Texas. I was strongly urged, during the negotiation, to insert a provision to extend the Missouri compromise line across Texas to its Western boundary, and was informed that it would aid in securing a constitutional majority in the Senate, in its favor. I peremptorily refused. He knows that he offered a proposition to abolish it in one half of the whole of Texas, and that by a line not drawn east and west, but north and south, so as to hem in the south on all sides, by abolition states. He also knows that his friend and supporter on the occasion, Mr. Hayward, of North Carolina, went still farther, and offered resolutions to extend the ordinance of 1787, not only over all of Texas, but even all the territory lying west of Arkansas and Missouri, and south of 36 30, with, however, the proviso excepting the portion of Texas lying south of a line running east and west in the 34th degree of parallel of latitude — The presumption is strong, that in offering his resolu-

tions he acted with his friend Col. Benton, to whose course he adhered on the Texas question. But be that as it may, certain it is, he sat mute. He raised no voice of indignation against a measure which proposed to exclude slavery forever from that very region which he charges me with having given away to the Indians, and losing it to the south. As bad as the policy of Mr. Adams and General Jackson may be in reference to that region, they did not exclude slavery. The Indians who occupy it are slaveholders, and having an interest in common with you, may be regarded as faithful allies on that vital question. The resolutions of his friend, Mr. Hayward, were designed to deprive you of this advantage; and yet Col. Benton now raises his voice in loud denunciation against me, upon the false charge of giving away the territory to the Indians, while he approved, at least by his silence, of excluding you entirely from the territory, and one half of Texas to boot, and to extend the principle of the ordinance of '87 over the whole, including Texas and the territories. So much for his own position in reference to the subject of the charge.

It now remains to show that it is, like all his other charges, destitute of foundation. He rests his charge that I abolished slavery in Texas, on the fact that I was the Secretary of State, and that I selected the resolution, as it passed the House of Representatives, instead of the amendment originally proposed by him, as the basis on which to annex Texas. Thus far, he has departed from his usual rule, and stated the facts correctly. I shun no responsibility. I am willing to take the whole on this occasion; but it is due to the President and the members of his administration to say, they were unanimous in favor of the selection made. I not only selected it, but assigned my reasons for making it, in a despatch to our then Minister to Texas, Mr. Donnellson. I assigned them, because I anticipated there would be an attempt to undo what was done, after the expiration of Mr. Tyler's administration. This I was resolved to prevent, by stating reasons for the selection that could not be overruled. The attempt, as I suspected, was made, and the late President has since been arraigned before the public by two friends and associates of Col. Benton, (Blair and Tappan,) because he could not be forced to overrule what his predecessor had done. — The following is an extract from the despatch,

"It is not deemed necessary to state at large the grounds on which his decision rests (The President.) It will be sufficient to state, briefly, that the provisions of the resolution, as it came from the House, are more simple in their character, may be more readily, and with less difficulty and expense, carried into effect; and that the great object contemplated by them is much less exposed to the hazard of ultimate defeat.

That they are more simple in their character a very few remarks will suffice to show. According to the resolution as it came from the House, nothing more is necessary than that the Congress of Texas should be called together, its consent given to the provisions contained in it, and the adoption of a constitution by the people in convention, to be submitted to the Congress of the United States for its approval, in the same manner as when one of our territories is admitted as a state. On the contrary, according to the provisions of the Senate's amendment, the Congress of Texas must, in like manner, be convened; it must then go through the slow and troublesome process of carving a state out of a part of its territory; afterwards it must appoint agents or commissioners to meet similar agents or commissioners, to be appointed on our part, to discuss and argue on the terms and conditions on which the state shall be admitted, and the cession of the remaining territory to the

United States; and after all this, and not before, the people of the said state must call a convention, frame a constitution, and then present it to the Congress of the United States for its approval, but which cannot be acted on, until the terms agreed upon by the negotiators; and which constitute the conditions on which the state is to be admitted, shall have been ratified.

That they may be more readily, and with less difficulty and expense, carried into effect, is plain, from the fact that the details are fewer and less complex. It is obvious that the numerous and complicated provisions contained in the amendment of the Senate, must involve much time and difficulty in their execution; while as to the expense, the appropriation of \$100,000 provided for by it, is a clear additional cost, over and above that attendant on the execution of the resolution of the House.

But the decisive objection to the amendment of the Senate is, that it would endanger the ultimate success of the measure. It proposes to fix by negotiation between the governments of the United States and Texas, the terms and conditions on which the State shall be admitted into our Union, and the cession of the remaining territory to the United States. Now, by whatever name the agents conducted the negotiation may be known, whether they be called commissioners, ministers, or by any other title, the compact agreed on by them in behalf their respective governments, would be a treaty, whether so called or designated by some other name. The very meaning of a treaty, is a compact between independent States founded on negotiation, and if a treaty (as it clearly would be) it must be submitted to the Senate for its approval, and run the hazard of receiving the votes of two-thirds of the members present; which could hardly be expected, if we are to judge from recent experience. This of itself, is considered by the President as a conclusive reason for proposing the resolution of the House, instead of the amendment of the Senate, as the basis of annexation.²⁹

The above extract will place you in possession of the leading reasons for making the selection. Events prove that the selection was judicious. Texas was annexed against every effort of open enemies and treacherous friends, both here and there, and the most strenuous efforts to defeat it by England and France; and by it, your weak and most exposed flank was protected against danger from without, and the machinations of abolitionists and their abettors at home. It was a great victory, both for your cause and the country, and was felt to be so at the time. That it was due to the selection made, I have the highest authority. Mr. Donnelson, in his letter to me after annexation was achieved, said that any other course, than that pursued, would have defeated it.

But Col. Benton now objects, that the House resolution contained a provision to extend the Missouri Compromise line to the western boundary of Texas, and asserts that this extension abolished slavery in the state; meaning, as I suppose, that it prevented the introduction of slaves in the portion north of the line, when at the time there was no settlements of slaves. It was not, it seems, the resolution of those who voted for it, and passed it, and among them himself, whose vote could have defeated it, that abolished slavery, as he calls it, but I, who made the selection of the House resolution, in preference to his amendment. The slightest agency, it seems, on my part, in reference to any measure, makes me solely responsible for the whole. It would be better at once for him to take the ground that I only am responsible for all the misdeeds of the government, since I came into public life, whether of commission or omission.

But what could I do? The President had to act,

and to select one or the other resolutions—his, or the House. The selection was left to him. If that of the House was tainted by the Missouri Compromise, with abolitionism, as he states, his resolution was much more deeply infected. I have his own words for the assertion. He declared that his amendment, as adopted by the Senate, was the same with the string of resolutions he had introduced at the preceding session, and renewed at the then session. He also declared, that they were generalized and comprised in one, to avoid objections to details. One of this string of resolutions, thus covered under general terms, was to divide Texas into two equal parts, by a line drawn north and south, of which the western part was to be subject to the ordinance of '37. A measure, coming from a quarter so hostile, and accompanied by such a declaration, was justly suspected as intending mischief. It was so considered, generally, by the friends of annexation in the Senate, and was assented to reluctantly, and only because he had a few supporters, who, with himself, held the balance, and refused to vote for the resolution of the House without the amendment. Among them, if my memory serves me, was his friend Heyward, who was for covering all Texas and the whole region north of 36° 30' with the ordinance of *Timéo Deanoas et dona ferentes*.

I come now to the last of his charges; that I abandoned the south, and left him and a few others alone by the side of the ill-fated owners of the Comet, Enterprise, and Creole. He does not state by what act I abandoned you, but leaves it to be inferred from his remarks, that it was by voting in favor of the Ashburton treaty, which contained no stipulation in favor of the owners of those vessels. It is a trick of his to make his charges very vaguely, so as to make it difficult to detect his errors and repel his slanderous attacks. I admit that I voted for the Ashburton treaty. I did more; I delivered a speech in its favor, which, in the opinion of its friends, saved it from rejection. Its fate was doubtful. The opposition, headed by Col. Benton, was violent, and it required two thirds to confirm the treaty. I am willing to take whatever share of responsibility he may think proper to allot to me for voting for it. I look with no little satisfaction to my course on the occasion, from the belief that I rendered then great and permanent service to the country; for its adoption was the first link, in that series of causes by which war between Great Britain and us was averted. Who is there now so blind as to see, that if the treaty had been rejected, war could not have been avoided? The two countries were in truth, on the very eve of a rupture, the way events were moving at the time, without either being aware of it.

At the very next session the Oregon question for the first time assumed a dangerous and menacing aspect. A bill was introduced immediately after its opening, which covered the whole of that territory, the object of which was to commence systematically the work of colonization and settlement on our part. I took my seat in the Senate two or three weeks after the commencement of the session, and found the bill on its passage, without opposition, and apparently without division of opinion. I saw the danger to the peace of the two countries, and that the time had come to take a stand to save it. I determined to do my duty, regardless of consequences to myself. I arose and opposed it, and thereby exposed myself to the opposition of the entire west, which was strongly in its favor. My name, then, as well as when the Ashburton treaty was pending in the Senate, was before the people for the highest honor in their gift—placed there, not by myself, but by my friends. Did I then permit the low motive of aiming at the Presi-

dency, to which he attributes my course on the treaty, to sway me from the path of duty?

My stand prevented the bill from becoming a law, and that constituted the second link in the series of causes by which we were enabled to avert war between one two countries. Col Benton then went for the bill, and was, I believe for the whole of Oregon. Had the treaty been rejected at the preceding session, the stand I took and the resistance I made to the bill, would have been all in vain. I would have passed, and the country precipitated into war; but as it was, time was gained, which was all important. The agitation, however, was kept up about Oregon, and similar bills were introduced the two succeeding sessions, which failed by small majorities. In the meantime negotiations were commenced, and the claim to the whole of Oregon made. The cry was "all or none," and so strong was the current in its favor, that both parties yielded to it in the early part of the session. I had resigned my seat in the Senate, but was re-elected a short time before the session commenced, and took my seat several weeks afterward. I saw and felt the strength of the current, but resolved to breast it, and save the peace of the whole country if possible. It was arrested, and a counter-current created. Col. Benton himself yielded to the counter-current, and delivered a speech after the battle was won, in which he belabored those who stuck to "all or none," after he found that they were a minority. It was his chain of causes, of which the Ashburton treaty was the first and indispensable link, which averted war, and by its saving the two countries from one of the greatest calamities which could have befallen them, and, I might add, the civilized world. I shall ever remember, with proud satisfaction, that I took a prominent lead and a highly responsible part on the side of peace, throughout the whole.

I also admit that the treaty contained no stipulation in favor of the owners of the vessels, nor any to prevent similar outrages in future. It was an objection, and I admitted it to be so in my speech in favor of it—not a sufficient one to induce its rejection. But, although the treaty contained no stipulations to guard against like outrages thereafter, much, nevertheless, was done in the negotiation to prevent them, and to place the South on much more elevated ground in reference to the subject, than where it stood when the negotiation commenced. To understand how much was done towards this, a brief statement of facts connected with the case of those reports, is necessary.

They were all coasting vessels, having slaves on board, and were all either stranded in their voyage from the Atlantic ports to those on the Gulf, on the British possessions, Bermuda, and the Bahama Islands, or forced to put into their ports by stress of weather to save themselves from shipwreck, or were carried in by the rising of the slaves and taking the vessel into port. Their fate was the same. The slaves were liberated, under circumstances of more or less violence and indignity, by the local authority. The outrage was enormous, and the insult to the American flag great. The first occurred as early as the year 1830, and all under the administration of General Jackson or Mr. Van Buren, except the Creole. Application was made to the Executive, by the owners, for redress. After a feeble and tame negotiation of many years, the British government agreed to compensate the owners in the case of the Comet and Encumium, but refused to make any in that of the Enterprise, on the ground that the two first occurred before her act of abolishing slavery had gone into operation, and the other after it had. The administration (Mr. Van Buren's) accepted the compensation, and acquiesced in the refusal in the case of

the Enterprise, without remonstrance or protest, and thus waived our right, and admitted the absurd and dangerous principle on which the refusal was placed.

What the administration shamefully omitted to do, I resolved to do through the Senate, if possible; and with that view, and in order to perpetuate our claim of right, I moved in the Senate, in 1849, the three following resolutions, and succeeded in passing them by a unanimous vote, with some slight amendment—Col. Benton voting for them, but not standing by me, as he says, for he never uttered a word in their support:

"Resolved, That a ship or vessel on the high seas, in time of peace, engaged in a lawful voyage, is, according to the laws of nations, under the exclusive jurisdiction of the state to which her flag belongs, as much so as if constituting a part of its own domain.

"Resolved, That if such ship or vessel should be forced by stress of weather, or other unavoidable cause, into the port of a friendly power, she would, under the same laws, lose none of the rights appertaining to her on the high seas; but, on the contrary, she and her cargo and persons on board, with their property, and all the rights belonging to their personal relations, as established by the laws of the state to which they belong, would be placed under the protection which the laws of nations extend to the unfortunate under such circumstances.

"Resolved, That the brig Enterprise, which was forced unavoidably by stress of weather into Port Hamilton, Bermuda Island, while on a lawful voyage on the high seas, from one part of the Union to another, comes within the principle embraced in the foregoing resolutions; and that the seizure and detention of the negroes on board by the local authority of the island, was an act in violation of the laws of nations, and highly unjust to our own citizens, to whom they belong."

Such was the condition in which the administration of Mr. Van Buren left these outrageous cases. They never were brought to the notice of the public, and the principle first contended for was surrendered, and that maintained by Great Britain in the case of the Enterprise acquiesced in; and of course, all claims of compensation on the part of the owners rendered hopeless. The following administration had nothing to stand on, but my resolutions and the vote of the Senate in their favor. If, then, "the ill-fated owners" were sacrificed, it was not by me. Their case was rendered hopeless by the preceding administration, with which Mr. Benton was intimately associated, and in which he acquiesced: for he never raised his voice in their favor in the long period of ten years, during all which time his voice might have been powerful. I turn now to explain what was done in reference to this subject by the negotiation, which ended in the Ashburton treaty, and how much the South, which he accuses me as having abandoned, has gained by it. For that purpose I insert an extract from my speech on the treaty:

"Such was the state of the facts, when the negotiations commenced in reference to these cases; and it remains now to be shown in what state it has left them. In the first place, the broad principles of the law of nations, on which I placed our right in my resolutions, have been clearly stated, and conclusively vindicated, in the very able letter of the Secretary of State, which has strengthened our cause not a little, as well from its intrinsic merit, as the quarter from which it comes. In the next place, we have an explicit recognition of the principles for which we contend, in the answer of Lord Ashburton, who expressly says, that "On the great principles affecting this case" (the Creole) they do not differ;" and that is followed by "an engagement that instructions shall

be given to the governors of her Majesty's colonies, on the southern borders of the United States, to execute their own laws, with careful attention to the wishes of their government to maintain good neighborhood, and that there shall be no officious interference with American vessels driven by accident or violence into their ports. The laws and duty of hospitality shall be executed." This pledge was accepted by our executive, accompanied by the express declaration of the President, through the Secretary of the State, that he places his reliance on those principles of public law which had been stated in the note of the Secretary of State."

Here we have a positive acknowledgment of the principle which the administration of Mr. Van Buren had abandoned, and a pledge that necessary measures would be taken to prevent similar occurrences in future, and the laws and duties of hospitality be executed. Now, when I add, that all this, thus far, has been faithfully executed, I may assert with truth, that you gain much, far more than I had hoped, considering the state in which the subject had been left by the preceding administration. So much for the charge that I had abandoned you on the occasion, and the assertion of Col. Benton that he had stood by "the ill-fated owners."

I have now repelled all the charges intended to shake your confidence in my fidelity to you, in reference to the most vital of all subjects to the south. I have shown that they all rest either on statements that are utterly false, or conclusions that are entirely erroneous or inconclusive. I have also shown, that Col. Benton has involved himself at every step, in false statements, contradiction, inconsistency and absurdities. I will not say, that he made his charges knowing them to be false; for that would brand him as a base calumniator and slanderer; but I will say he ought to have known they were. It may be, however, that he was too much blinded by passions and prejudices, or lacked the discrimination to perceive they were.

I have passed over all that was directed against me personally, and not intended to impeach my fidelity to you and your cause; because it did not fall within the reasons which induced me to notice him at all. I have also passed over the torrent of abuse he has poured out against me; not only for the same reason, but because I deem it beneath my notice. He doubtless thinks differently, and regards it as the finest portion of his speech; for he had used expressions which pretty clearly indicate that he anticipates it will raise him to the level of the great Athenian orator, for indignant denunciation. He mistakes his fate. He will be fortunate should he escape sinking to the level of Therisites. He seems not to apprehend that the difference is wide between the indignant eloquence of patriotism and truth, and scurrilous defamation. I also pass over his attack on the southern address; because it has been too generally read, and is too well understood by you, for him to do any mischief by assailing it. The wonder is, that he should venture to make an attack in open daylight. The remote twilight region of the past, lying between truth and fiction, best suits his taste and genius.

Passing all these by, I am brought to where he throws off his disguise, and enters the camp of the enemy, and openly proclaims himself an abolitionist, endorses all their doctrines, and steps forth as their champion. In that character, he assumes a dictatorial air, and pronounces that it is absurd to deny the power of Congress to legislate as it pleases, on the subject of slavery in the territories; that it has exercised the power from the foundation without being questioned, until I introduced my resolutions; that slavery is local in its character; that it must be

created by law, and cannot be carried an inch beyond the limits of the state that enacted it; that slaves cannot be carried into New Mexico or California, because the Mexican laws abolished slavery there, and are still in force; and concludes that it is a mere abstract question of no importance, because the people there, and especially the foreigners, are opposed to it, and will not permit you to emigrate into the territory with your slaves.

I do not propose to enter into a formal competition of assertions so ostentatiously pronounced. It is not necessary. They were the same that were put forth and relied on by those opposed to you in the discussion on the Oregon territorial bill, during the session preceding the last; and which were then fully met and refuted by me and others, who took your side of the question. What I now propose is a very summary and brief notice of these several assertions.

I begin with that which asserts that Congress has the power to do as it pleases upon the subject of slavery in the territories. I deny the assertion, and maintain that Congress has no such power over slavery there or elsewhere, or over any other subject. I deny that Congress has any absolute powers whatever; or that it has any of any description, except such as are specifically delegated, or that are necessary and proper to carry them into execution. I maintain, that all its powers are delegated and trust powers, and not positive and absolute, and that all of the latter description belong exclusively to the people of the several states in their sovereign character. I also hold, that Congress is but their representative and trustee, and that in carrying into execution its powers, it cannot rightfully exercise any inconsistent with the nature and object of the trust, or with the character of the party who created the trust, and for whose benefit it was created. I finally hold, that instead of having the absolute power over the territories, of doing as it pleases, that Congress is restrained by all these limitations, and that its power to exclude you from emigrating with your slaves into them, cannot be maintained without denying that ours is a government of which states and not individuals are the constituents, and that Congress holds its powers as delegated and trust powers. Nor can it be maintained, without assuming that ours is a consolidated government, and holds its powers absolutely in its own sovereign right of doing as it pleases.

I also deny the truth of this next assertion, that it has exercised the power over the territories as it pleased, without being questioned, until I introduced my resolutions. I maintain, on the contrary, that such power never was exercised by Congress, until he and his associates passed the Oregon territorial bill. That was the first bill containing the Wilmot proviso, that ever passed, as has been stated—passed solely to assert the absolute right of doing as it pleases. All others, including the ordinance of 1787, were passed as compromises which waived the question of power, as has been frequently shown. Nor is his assertion more correct, that the power never was questioned, until the introduction of my resolutions. It was questioned from the start, beginning with the ordinance of 1787. Mr. Madison pronounced that it was adopted without a shadow of right. Since then it has been acquiesced in not as a right but as a compromise, until the North refused all compromise, and forced the South to stand on its rights, where it should have stood from the first.

The next assertion, that slavery is local in its character, that it must be enacted by law, and cannot be carried an inch beyond the limits of the State that enacted it, is equally unmaintainable. It is clear that in making it, he intended to affirm, that in

these respects, property in slaves stands on very different ground from every other description of property.

I deny the fact, and maintain that there is no distinction between it and the other property, in that respect. It no more requires to be enacted by a law, or—to express it more specifically—to have a positive enactment for its origin, than property in land or any thing else. The relation of master and slave was one of the first and most universal forms in which property existed. It is so ancient, that there is no record of origin. It is probably more ancient than separate and distinct property in lands, and quite as easily defended on abstract principles. So far from being created by positive enactment, I know of no instance in which it ever was, or to express it more accurately, in which it had its origin in acts of legislatures. It is always older than the laws which undertake to regulate it, and such is the case with slavery, as it exists with us. They were for the most part slaves in Africa—they were bought as slaves, brought here as slaves, sold here as slaves, and held as slaves, long before any enactment made them slaves. I even doubt whether there is a single State in the South, that even enacted them to be slaves. There are hundreds of acts that recognise and regulate them as such, but none, I apprehend, that undertake to create them slaves. Master and slaves are constantly regarded as pre-existing relations.

Nor is it any more local in its character than other property. The laws of all countries, in reference to everything, including property of every kind, are local, and cannot go an inch beyond the limits to which the authority of the country extends. In case of property of every description, if it passes beyond the authority of the country where it is, into another, where the same description of things are regarded as property, it continues to be so there, but becomes subject to the laws and regulations of the place in reference to such property. But, if it be prohibited as property, in the country into which it passes, it ceases to be so, unless it has been forced in, under circumstances which placed it under the protection of international laws. Thus, one and the same principle applies in this respect to all property; in things animate or inanimate, and rational or irrational.—There can be no exception; as property everywhere and of every kind is subject to the control of the authority of the country. Thus far, I hold that there can be no reasonable doubt.

Nor can there be any that the same principle applies between the several states, in our system of government. Slaves, or any other property, carried into a state where it is also property, continues still to be so; but if into one where it is prohibited, it ceases to be property. This is admitted, too, by all. It is also admitted by all, that the general government cannot overrule the laws of a state, as to what shall or shall not be property, within the limits of its authority. The only question, then, is, what is the power of the general government where its authority extends beyond the limits of the authority of the states, regarded in their separate and individual character? or, to make it more specific, can it determine what shall or shall not be property in the territories, or wherever its authority extends, beyond that of the states separately? or, to make it still more so, can it establish slavery in the territories? can it enact a law providing that any negro or mulatto found in the territories of the United States shall be slaves, and be liable to be seized and treated as such by whoever may choose to do so? According to Col. Benton's doctrine that Congress may legislate as its pleases upon the subject of slavery in the territories, it would have the power; but I doubt whether there is another individual who would agree with him. But, if it has not the power

to establish slavery in the territories, how can it have the power to abolish it? The one is the counterpart of the other; and where is the provision of the constitution to be found which authorizes the one and forbids the other?

The same question may be propounded as to public and private vessels belonging to the United States and their citizens on the high seas; for the principle which applies to the territories equally applies to them, and to all places to which the authority of the general government extends, beyond the states regarded separately.

It is, indeed, a great misconception of the character and object of the general government, to suppose that it has the power either to establish or abolish slavery, or any other property, where its authority extends beyond the limits of the states regarded individually. Its authority is but the united and joint authority of the several states, conferred upon it by a constitution, acted on mutual agreement, but by the separate act of each state, in like manner in every respect, as each adopted its own separate constitution, with the single exception, that one was adopted without, and the other on mutual agreement of all the states.

It is then, in fact, the constitution of each state, as much so as its own separate constitution, and is only the constitution of all the states, because it is that of each. As the constitution made the general government, that, too, is, in like manner, as much the government of each state as its own separate government, and only the government of all, because it is the government of each. So likewise are its laws, and for the same reason. Its authority, then, is but the united and common authority of the several states, delegated by each to be exercised for the mutual benefit of each and all, and for the greater security of the rights and interests of each and all. It was for that purpose the states united in a federal Union, and adopted a common constitution and government. With the same view, they conferred upon the government whatever power it has of regulating and protecting what appertained to their exterior relations among themselves and with the rest of the world. Each, in brief, agreed with the others, to unite their joint authority and power to protect the safety and rights, and promote the interest of each, by their united power.

Such is clearly the character and object of the general government, and of the authority and power conferred on it in its power and authority, having for its object the more perfect protection and promotion of the safety and rights of each and all it is bound to protect, by their united power, the safety, the rights, the property and the interests of the citizens of all, wherever its authority extends. That was the object for conferring whatever power and authority it has, and if it fails to fulfil that it fails to perform the duty for which it was created. It is enough for it to know that it is the right, interest, or property of a citizen of one of the States, to make it its duty to protect it, whenever it comes within the sphere of its authority, whether in the territories, or on the high seas, or anywhere else. Its power and authority were conferred on it not to establish or to abolish property, or rights of any description, but to protect them.

To establish or abolish belongs to the states, in their separate sovereign capacity—the capacity in which they created both general and their separate state governments. It would be, then, a total and gross pervasion of its power and authority to use them to establish or abolish slavery, or any other property of the citizens of the United States, in the territories.—All the power it has, in that respect, is to recognise as property there whatever is recognised as such by

the authority of any one of the states, its own being but the united authority of each and all of the states, and to adopt such laws for its regulation and protection as the state of the case may require; nor is there the slightest danger that recognition of the property of citizens of each and all the states within the territories would turn them into a Babel, as Col Benton contends. All may co-exist without conflict or confusion, by observing the plain and simple rule of duty and justice.

There is another error akin to this—that the Mexican law abolishing slavery, is still in force in New Mexico and California, when not a particle of its authority or sovereignty remains in either. Their conquest by us, and the treaty that followed, extinguished the whole, and with it annulled all her laws applicable to them, except those relating to such rights of property and relations between individuals, as may be necessary to prevent anarchy; and even these are continued only by sufferance and on the implied authority of the conquering country, and not the authority of the conquered, and only from the necessity of the case. Her law abolishing slavery, are not embraced in the exception; and if it were, it would be taken out of it, as the assent of Congress could not be implied to continue a law which it had no right to establish.

But still higher ground may be taken. The moment the territory became ours, the constitution passes over and covers the whole with its provisions, which, from their nature, are applicable to territories, carrying with it, the joint sovereignty and authority of each and all the states of the Union, and sweeping away every Mexican law incompatible with the rights, property, and relations belonging to the citizens of the United States, without regard to what state they belong, or whether it be situated in the northern or southern section of the Union. The citizens of all have equal rights of protection in their property, relations, and person, in the common territories of each and all the states. The same power that swept away all the laws of Mexico, which made the Catholic religion the exclusive religion of the country, and which let in the religion of all denominations; which swept away all the laws prohibiting the introduction of property of almost every description—some absolutely, and others under the condition of paying duties, and letting them in duty free until otherwise provided for, swept that which abolished slavery, and let in property in slaves. No distinction can be made between it and any other description of property or thing, consistently with the constitution, and the equal rights of the several states of the Union, and their citizens.

But we are told by Col. Benton that the question has become a mere abstraction, of no importance; that few have gone into either territory except citizens of the north and foreigners, and that they are all opposed to us. What insult! What! taunt us by telling us we cannot go into them, because foreigners and others, who have been let in freely, and we kept out, by the threat of confiscating our property by himself and his associates, have become sufficiently numerous to keep us out, without the intervention of Congress to aid them? He knew that "property is timid," and could be kept out by threats; and that to keep us out for a short time was one of the ways to exclude us ultimately. What a comment on the equity and justice of the government, that we, who have so freely spent our blood and treasure to conquer the country, should be excluded from all its benefits, while it is left open for the use and enjoyment of all that rabble of foreigners which he enumerates, with such zest, as the efficient means of exclusion! Is there another instance of such an outrage to be

found in the history of any other government that ever existed?

His avowal of the doctrines of the abolitionists will have an effect he little suspected, when he made it. It furnishes ample evidence to show that he used deception in assigning his reasons for declining to obey the instruction of his Legislature. It will be remembered, he offered as his reasons that their resolutions instructing him were borrowed from mine, and that mine were introduced for disunion purposes, and that there was no difference between them, except that mine aimed directly at disunion, and theirs ultimately at the same thing. He added, in effect, that his devotion to the Union would not permit him to vote for resolutions so deeply tainted with disunion. That was at the commencement of his speech. We now have in its conclusion conclusive evidence from himself, that all this was a mere fetch—a stratagem to conceal his real motive, for declining to obey them. His real motive, as it now appears, was that he could not vote for them under any circumstances; for how could an abolitionist, as he avowed himself to be, possibly obey resolutions, which are utterly at variance with their doctrines?

To obey would have involved him in palpable contradiction, so much so, that it could not fail to prostrate and to overwhelm him with shame invulnerable. This he saw, and that he had no alternative left but to resign or disobey. He determined in favor of the latter; but this of itself did not relieve him of his dilemma. He knew well that it would defeat his object to come out boldly, and say that he had abjured his former creed and adopted that of the abolitionists. And hence, he was forced to adopt some other expedient; and for that purpose adopted the miserable pretext of slanderously charging me and my resolutions, and his own Legislature and their resolutions, with disunion, and of assigning that as his reason for not obeying them, when he knew that his position made it impossible for him to obey them. But these are not the only resolutions adopted by the Legislature of his state to instruct him. The previous Legislature adopted two others, of which he says that they truly express the sense of the state, and that he obeyed them, not only in their letter, but spirit. They are in the following words:

"Resolved, That the peace, permanency and welfare of our National Union depend upon a strict adherence to the letter and spirit of the 8th section of the act of Congress of the United States, entitled 'an act to authorize the people of the Missouri territory to form a constitution and state government for the admission of such state into the Union on an equal footing with the original states, and to prohibit slavery in certain territories.'—Approved March 6th, 1820."

"Resolved, That our senators in the Congress of the United States are hereby instructed, and our representatives requested, to vote in accordance with the provisions and the spirit of the said 8th section of the said act, in all the questions which may come before them in relation to the organization of new territories or states out of the territory now belonging to the United States, or which hereafter may be acquired, either by purchase, by treaty, or by conquest."

It is proper to observe, that the eighth section to which they refer contains the Missouri compromise, which established 36 30 as the dividing line between the slaveholding and non-slaveholding states, drawn between the western boundary of the state of Missouri and the western boundary of Louisiana. These resolutions he says he obeyed, in letter and spirit, when in fact he flagrantly violated them, by his vote for the Oregon territorial bill, prohibiting slavery in that territory, without any compromise annexed; and that, too, to assert the principle of the unlimited

power of Congress over the territories, and in open defiance of all compromise. He calls that bill his proviso, and well he may, for he passed it when it was in his power to defeat it. A very few remarks will suffice to show that I have not expressed myself stronger than truth warrants.

The first resolution asserts "that the peace, harmony, and welfare of our national Union depends upon a strict adherence to the letter and spirit of the Missouri compromise, and the last instructs their senators and representatives to vote in accordance with its provisions and spirit, in all questions which may come up before them in relation to the organization of new territories or states, out of territories now belonging to the United States, or which hereafter may be acquired." No instruction could be more full or explicit, or assign stronger motives for obeying them, especially to one professing so great a devotion to the Union. There is no mistaking the meaning. He is instructed to vote for all bills in reference to the territories which may conform to the letter and spirit of the Missouri compromise, and against all that do not; that is, to vote for all that extend the line westward from its terminus on the western boundary of Texas—for that is its letter—and to secure to the south that portion of the territory lying on the southern side of the line, as effectually as that compromise did in fact all the territory which lay on its southern side, and to vote against all bills that did not; for that is meant by its spirit. There was good reason to put in "spirit," for it was understood then that the doctrine began to be broached, that the laws of Mexico abolishing slavery would continue in force, unless they were repealed, if not prevented by some effectual guard. No additional remarks can make his disobedience more clear, and he now stands condemned for disobeying the instructions of his Legislature, which he himself praises, and which he does not even pretend to charge with disunion.

I notice in the progress of this communication, that Col Benton evinced unusual solicitude to confound the Missouri compromise, and all other compromises of the kind, with the Wilmot proviso. I attribute it, in part, to a desire to screen himself from the odium of having voted for the Wilmot proviso by confounding it with other measures, that were far less offensive; but I said that there was another more powerful reason, which would be explained in the sequel. That reason was to shelter himself, if possible, against the charge of violating instructions, which he acknowledged to be above exception. If he could possibly establish that the Missouri compromise and the Wilmot proviso were identical, as he would have his constituents believe, to obey the one would be to obey the other. But I have shown that was impossible, and that he is left, without the possibility of escaping the charge of disobeying them.

With a few additional remarks, I shall close this long communication.

Col. Benton assigns devotion to the Union as his motive for taking the course he has; and by implica-

tion, charges your's as being the side of disunion, and his and the abolitionists' that of the union. In this, he but follows the example of all who have betrayed you, or intend to betray you. It is so common, that it has become notorious, that a strong profession of attachment to the Union and condemnation of what is called the violence and ultraism of the south, accompanied by a volley of abuse of me, and the absence of all censure or condemnation of your assailants, are certain signs that he who utters them is ready to seize the first opportunity to desert your cause.

To these designs may be added another—an appeal to that portion of the farewell address of the father of his country, quoted by Col. Benton, under circumstances which make its application apply to you, and not to those who assail you. I respond to every word it contains, with a hearty amen. It is, indeed, deeply to be deplored, that parties should be designated by geographical position, and I regard whatever party or individual who may have caused it, as deserving of public reprobation. But to avoid geographical designation of parties, it is indispensable that each section of the Union should respect the rights of the others, and carefully abstain from violating them. Unless that is done, it will be impossible to avoid it—aggression will, and ought to, lead to resistance on the part of those whose rights are trampled upon and safety endangered. Sectional assault on one side, and sectional resistance on the other, cannot fail to lead to sectional designation of parties. The blame and responsibility rightfully falls on the section that assails, and not that which repels assaults. Which that is in the present case, admits of no doubt.

The south has been on the defensive throughout, and borne indignities and encroachments on its rights and safety with a patience unexampled; and yet she is basely charged with disunion, and the north lauded as its advocate. We must learn to disregard such unfounded and unjust charges, and manfully do our duty to save both the Union and ourselves, if it can be done consistently with our equality and our safety; and if not, to save ourselves, at all events. In doing so, we should but follow the example of our Washington in the great struggle which severed the union between the colonies and the mother country. He was ardently attached to that union, struggled hard to preserve it by resisting the encroachments of Parliament on the old and established rights and privileges of the colonies; but the folly and infatuation of Parliament, and the vile machinations of Tories among ourselves, rendered all his efforts, and those of the patriots of his day, unavailing. The world knows the consequence. My sincere prayer is, that those who are encroaching on our rights—rights essential to our safety, and more solemnly guaranteed than those of the colonies—may, as well for their sakes as ours, profit by the example.

JOHN C. CALHOUN.

FORT HILL, July 5th, 1849.

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