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SPEECH

OF

HENRY W. MILLER, ESQ.,

DELIVERED AT OXFORD, NORTH CAROLINA, NOVEMBER 5, 1850,
IN REPLY TO HON. A. W. VENABLE.

FELLOW-CITIZENS: I offer, as an apology for asking your attention in reply to the gentleman who has addressed you, the call which you have just made upon me. I disavow all desire to interfere with the relations which exist between him and his constituents, and trust I am not violating any rules of propriety in answering, at your request, as far as my humble ability will permit, arguments which I regard as fallacious, and doctrines that appear to me dangerous to the peace and union of these States. I do not appear before you to gratify any spirit of party. I shall not address you in any such spirit, except so far as it may be necessary to defend some of the patriotic men who belong to the Whig party from what I conceive to be the unjust assaults which have been made upon them.

The subject to which I shall ask your attention, more particularly, is above party ties, and should be disconnected from party influences. It is a subject in which the whole country has a deep—a vital interest. I refer to the acts of Compromise and Adjustment passed at the last session of Congress. Some of these acts the gentleman opposed, and he now seeks, not only to justify his own course, but assails those who differed from him, and thought it their duty to sustain those measures. If the reason given for his course be valid, then has the South been greatly wronged by the passage of that Compromise, and those who supported it are no longer entitled to her confidence. On the contrary, if those measures are just and proper, and upon being faithfully carried out will secure the rights of all sections and restore peace to the country, then his course was unwise, and his efforts now, to excite hostility to those who sustained them, deserve, and should receive, the rebuke of all who love the Union, who reverence the laws, and who regard the further agitation of the slavery question dangerous to our peace and prosperity.

I maintain that the acts of Compromise secured the honor of the South—encroached upon the rights of no section—were wise and conciliatory in their character, and should be sustained by all men of all parties, in every section of the Union; that, if so sustained, our national peace, prosperity, and Union will be secured; but if violated, resisted, nullified, or repealed, neither of those great interests and blessings will be advanced, but all of them hazarded, jeopardized, perhaps lost. These positions I shall endeavor to establish, and in so doing I ask the attention of all present, however widely they may differ from me on matters of mere party politics.

The acts of Compromise were, 1. The admission of California as a State. 2. The establishment of a territorial government for Utah. 3. The Texan boundary and New Mexican Territorial bill. 4. The act abolishing the slave trade in the District of Columbia. 5. The Fugitive Slave law; against all which the gentleman voted, except the last named and the Utah act. On the final passage of the latter he did not vote at all.

I understand him to contend that the admission of California was unconstitutional—unjust to the South, and a virtual enactment of the Wilmot proviso, inasmuch as the constitution presented by that people contained a clause prohibiting slavery; and I understand him further to contend that Congress should have adopted the Missouri compromise line in reference to that Territory.

Now, to enable us, fellow-citizens, to understand this subject fully, it is necessary to refer to the Federal Constitution itself, and to portions of the past political history of the country on the subject of slavery. The third section of the fourth article of the Constitution says: "*New States may be admitted by Congress into this Union.*" The fourth section of the same article declares that "*the United States shall guarantee to every State in this Union a republican form of Government.*"

It will be remembered that the power of Congress over the provisions of the Constitution, presented by a people asking admission into the Union, was discussed with great ability and much bitterness during the Missouri controversy. That State was formed out of territory acquired from France under the treaty of 1803. In July, 1820, she presented herself for admission into the Union, with a constitution which was silent on the subject of slavery. Those who were hostile to that institution sought to incorporate a provision in her constitution prohibiting it. It was contended by those who opposed this restriction that Congress had no such power—that it would be a violation of the Federal Constitution—that all Congress could do was to take care that the State constitution was "*republican in its form*"—and that the people who asked to come in as a State, and they alone, could adopt such a provision. The progress and result of this controversy are well known. It agitated the whole nation. It shook the Union to its centre. A compromise was at last agreed upon, and resulted in the admission of Missouri without such restriction, but prohibiting slavery in all the territory out of which that State had been formed,

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north of 36° 30', and leaving it to the people south of that line to establish slavery or not as they might wish. This compromise settled the question of slavery as to all Territory east of the Rocky mountains. Our title to Oregon, lying west of those mountains was at last perfected, under the administration of Mr. Polk, and on the application of her people for a territorial government, the question of the power of Congress over the subject of slavery was again raised. This controversy was finally ended, as far as Oregon was concerned, by the passage of a bill establishing a territorial government for that country with the ordinance of 1787, prohibiting slavery incorporated in it. Mr Polk approved this bill, and based that approval expressly upon the grounds that Oregon was situated north of the Missouri line, and that he desired to adhere to the spirit of that compromise.

The passage of this bill would have settled the question of slavery as to every foot of territory belonging to the United States had it not been for the fruits of the Mexican war, resulting, as it did, in the acquisition of vast territory lying on both sides of the line of 36° 30' north latitude. It was during the progress of that war, and when the acquisition of such territory was anticipated, that the *Wilmot proviso* was introduced, which is destined to secure an execrable immortality to its projector as a "skilful architect of evil."

Well, California and New Mexico had been acquired "by the common blood and treasure of the whole Union." They needed governments. Congress was bound, by treaty stipulations, and in justice, to give them *efficient civil governments*. This duty was delayed from time to time, owing to the conflict between the North and the South, the former seeking to extend the *Wilmot proviso* over those Territories, the latter resisting it as unconstitutional. In the meanwhile the immense and astonishing riches of California were being developed. The accounts which reached us of the extraordinary discoveries of gold in that region, were more like the creation of fable than reality. A stream of population began to flow in the direction of the land of promise. Wave succeeded wave. Nor were they ignorant and worthless, but bold, intelligent, and adventurous men, of all classes and avocations, who knew the value of well-regulated government, and would not long stand the deprivation of it. Congress neglected them. Whilst that body debated and wrangled about abstractions, a mighty nation was springing up in that distant region. They were threatened with anarchy. They resolved upon forming a constitution, and presenting themselves for admission as a State into this Union. During the fall of 1849 a convention of delegates assembled and framed a State constitution, in which there was a clause prohibiting slavery. It is estimated that in January last there was in California a population of 107,000 souls. The constitution was submitted to the people and ratified by a vote of 12,062 to 811, besides about 1,200 blank votes, making in all upwards of 14,000.

President Taylor transmitted this constitution to Congress, with a recommendation that California be admitted as a State. She was finally admitted by a large majority in the Senate, and one hundred and fifty to fifty-seven in the House. This was one of the measures of Compromise. The gentleman voted against it. He says it was unconstitutional. In what particular? Not because there had been no territorial government before the formation of the State constitution, for there is no article in the Federal Constitution which, either directly or by implication, requires this. It may be an argument against the *regularity* of the admission, but none against its constitutionality. But, he says, she did not obtain the consent of Congress

to frame a constitution. So did not Arkansas and several other States, whose admission was not regarded either as a violation of the Federal Constitution or in derogation of the rights of their sisters. Would he have remanded them to a territorial state on account of such supposed irregularity? Besides, owing to the remoteness of California from the seat of the Federal Government—the nature of her population—her exposure to foreign influence and violence by the influx of foreign emigrants—the length of time she had been kept without a regular civil government—her case was one of extreme hardship and emergency, and appealed to Congress for prompt and favorable action. He says California gave but about 14,000 votes in passing upon her constitution. Has he forgotten that Michigan, Indiana, Arkansas, Wisconsin, and several other States gave a much smaller vote—in some instances not more than one-fourth as many? Would he have excluded these States for such a reason, or would he have remanded them to their state of pupillage that they might come in with a fairer showing? The truth is, it only required the time it took the gentleman and those who acted with him to give birth to their lengthy speeches against California to enable her to remove such an objection as this. Every day carried hundreds to her shore, and the routes through the western wilds were alive with thousands of families wending their way to this land of golden hopes. What her population now is it is difficult to tell, but cannot be far short of 150,000.

It seems, however, that the strongest objection to her admission was the provision in her constitution prohibiting slavery. Now, I insist that the people of that country had not only the right to form a constitution and ask admission into the Union, but also to frame just such a constitution as they wished, and the only inquiry for Congress, "Is it republican in its form?" They had a right to incorporate in it a clause prohibiting or establishing slavery, as to them seemed best. Congress had no more right to force this institution upon her against her will than it had to deprive her of it if she desired to establish it. This is the true doctrine—this is the republican doctrine—this is the doctrine contended for by those who opposed the Missouri restriction—this is the only safe doctrine for the South. It is what southern statesmen have ever contended for; and surely the gentleman has not so soon forgotten the resolutions of his favorite, Mr. Calhoun, introduced in the Senate of the United States in 1847! He advocated these resolutions with that ability which characterized all his efforts. One of them is in the following language:

"That it is a fundamental principle in our political creed that a people, in forming a constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure their liberty, prosperity, and happiness; and that, in conformity thereto, no other condition is imposed by the Federal Constitution on a State, in order to be admitted into the Union, except that its constitution shall 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."

Now, can any man mistake the meaning of this? Is it not too plain to admit of doubt or cavil? Were not the inhabitants of California "A PEOPLE" in the sense of this resolution? If so, then did they not have the right to form and adopt the government which they considered best calculated "to secure their liberty, prosperity, and happiness?" But this is not all. It is asserted as a part of this "creed" that when this "PEOPLE" have thus formed a government or constitution, and ask for admission in-

to the Union, "no other condition is imposed by the Federal Constitution except that their constitution be REPUBLICAN." The same doctrine was advanced in the Southern Address of 1849, in the putting forth of which document the gentleman himself bore a most conspicuous part. Has he so soon forgotten these things? Have the responses of his great oracle passed so speedily from his memory? Melancholy indeed is the reflection that old friendships and associations should so seldom visit our minds, and when they come be permitted to fade so quickly away!

Let us test this matter a little further. Suppose the constitution of California had been silent on the subject of slavery, or had contained a clause recognizing and establishing it; would the gentleman and his friends have opposed its admission? Would they not have been quick to revive the doctrine of the South in the Missouri controversy—to give full vigor and efficacy, "ample verge, and space enough," to the "creed" of Mr. Calhoun, as set forth in his resolutions and speech of 1847? We well know that, if California had presented a constitution either silent as to slavery, or establishing it, and the North had attempted the game they did in reference to Missouri, we should have heard nothing from him about extensive boundaries, sparse population, irregularity of proceedings, and that exploded humbug, *Executive dictation!* No; all would have been as regular as clock-work; inhabitants would have been manufactured faster than men had sprung up from the teeth of Cadmus; and the resolutions of '95 and '99—*Magna Charta*—and, though last, not *least*, the Southern Address, would all have been appealed to in defence of the right of a PEOPLE to self-government! All such difficulties as now appear would have then been as empty bubbles on the vast sea of reason, which he would have brought to bear in favor of the immediate and unconditional admission of glorious California as a State!

He says he was for extending the Missouri compromise line across California to the Pacific. Now I contend that such a policy would have been most suicidal to the South. How stands the case? Those who have had ample opportunity to form a correct judgment declare that the portion of California south of 36° 30' is not adapted to slave labor—that the institution could not exist there. In a memorial sent to Congress on the 12th March, 1850, by Messrs. Frémont and Gwin, her Senators, and her two Representatives, I find the following language:

"Much misapprehension appears to have obtained in the Atlantic States relative to the question of slavery in California. The undersigned have no hesitation in saying, that the provision in the constitution excluding that institution, meets with the almost unanimous approval of that people. This unanimity is believed to result, not so much from the prejudices against the system which are quite general in the northern part of the United States, as from a universal conviction that in no portion of California is the soil and climate of a character adapted to slave labor."

Again: hear what was said by some of the leading men in the convention that framed her constitution. I read from the debate in that body compiled by Brown. Mr. Lippitt said, (page 449:)

"And what will the South (our South) say? Certainly the South will not commit an act so suicidal as to refuse its assent to this constitution because we have not cut off all south of 36 deg. 30 min. There is not a member on this floor who believes that slavery can ever exist there. Whatever desire the South might have to introduce slavery there, it is utterly impracticable to do so; that it can never exist in that region is sufficient to preclude the idea. If the Territory is divided at all it will, in accord-

ance with the compromise agreed to between the two great parties, be erected into a free State by the action of the people themselves. There is no division of opinion between the northern and southern population of California on this subject. Consequently it becomes a separate State; it will be a free State, and, instead of ONE, there will be TWO FREE STATES."

Mr. Gwin (one of her Senators) said in the same debate: "The line of thirty-six degrees thirty minutes is a great question on the other side of the mountains. Here it is nothing. If any portion of our population are opposed to slavery *per se*, it is that portion south of that line. It is utterly unfitted for slave labor, being a grazing and a grape country, with a few rich valleys and extensive arid plains."

Here, then, we were told in express terms that if the Missouri compromise line had been run, and all south of it cut off from California, it would, beyond doubt, have become a free State; that "it is utterly unfitted for slave labor." What, then, would have been the practical effect of the gentleman's policy? *Why, to weaken the slave States and add strength to the North.*

There is one historical fact which perhaps has escaped the gentleman's memory. As early as December 11, 1848, Mr. Douglas introduced into the Senate of the United States a bill for the immediate admission of California as a State into the Union. This bill can be found in the *Congressional Globe* of 1848, page 21. It has been declared by Mr. Lumpkin, of Georgia, I learn, then a member of the House of Representatives, that this bill was prepared and introduced at the instance of or under the approval of Mr. Polk. Did we hear any expressions of holy horror at all this? But I dismiss this branch of the subject. However irregular may have been the proceedings connected with the admission of California, I see nothing in them violative of the Constitution. She is now a sovereign State of this Union, and can establish slavery if she wishes. She stands upon an equality with her sisters, and instead of giving her the cold shoulder, and wrangling about the legitimacy of her birth, let us rather extend to her the right hand of fellowship, and bid her God speed in her bright career to greatness and glory!

The next branch of the Compromise to which I call your attention is the act establishing a territorial government for Utah. The whole of that territory lies north of the Missouri compromise line. Its southern boundary is the thirty-seventh parallel of north latitude; and so far from the Wilnot proviso being applied to it, the first section of the act expressly provides that, "when admitted as a State, the said Territory or any portion of the same shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of her admission." And, pray, is there nothing gained here for the South? It is plainly a re-establishment of the principle which was surrendered by the Missouri compromise. It not only does not extend the Wilnot proviso over this Territory—the whole of which lies north of 36° 30'—but it expressly declares that it shall come into the Union as a State, with or without slavery, as the people themselves may wish. What possible cause of complaint is there in all this? Is there not rather reason for congratulation that, in the establishment of this territorial government, truth and justice have triumphed over error and fanaticism?

This is not all. Slavery already existed in Utah. The Morinons, it is said, carried it there. The ninth section of the act provides expressly for writs of error and appeals to the Supreme Court of the United States; and declares, "that in all cases involving TITLE TO SLAVES, the said writs of error or appeals shall be allowed and decided by the said Supreme

Court, with or without regard to the value of the matter, property, or title in controversy."

The same section confers on the courts of the Territory "*common law jurisdiction*"—and the last section provides that "the Constitution and laws of the United States are extended over, and declared to be in force in said Territory, so far as the same or any portion of them may be applicable."

What follows from these provisions? There is a plain recognition of the relation of master and slave; the courts are opened to try titles to slaves, and common law jurisdiction is given those courts. Besides this, the Fugitive Slave law enacts "that when any person held to servitude or labor in any State or Territory, &c., shall escape," &c.

To what Territory does this enactment refer? Not to Minnesota or Oregon, because slavery is expressly forbidden in both. Utah and New Mexico are the only Territories to which it can apply. The gentleman insists that the difficulty is the supposed existence of the Mexican laws abolishing slavery. But whatever may be said by those who believe these laws do exist, how will this avail *him*, or such as think with him? *He* entertains the opinion that those laws ceased to have any force after the Territory was acquired from Mexico. But if they were in force before the passage of the Utah bill, do not the provisions to which I have referred, by implication at least, repeal them? If they do not, still there is ample provision made to raise the question, and try the title to slaves, by the Supreme Court of the Union; and how can any man who sustained the Clayton compromise, as a panacea for the ills that threaten us, insist that nothing is gained by this act for the South? I contend that the provisions of the Utah and New Mexico Territorial bills in reference to slavery are substantially the same with those of that compromise, for which the gentleman and his friends voted, and for opposing which no quarter was shown to a few southern men who voted against it. If there be any doubt on the question whether slavery can legally exist there; whether it is shut out by any law of Mexico prior to the treaty of Guadalupe Hidalgo—why provision is expressly made for trying titles to slaves, under which the opinion of the Supreme Court may be obtained on this very question. This Mr. Calhoun himself, and, if I am not mistaken, all who acted with him, were willing to abide. How, then, I again ask, can this measure be made the cause of just complaint in the South? Are we not estopped from so doing by our oft-recorded opinions?

I come now to that part of the Compromise which more than any other seems to have excited the hostility of the gentleman, and aroused to its full height his patriotic indignation! The Texan Boundary and New Mexican Territorial bill—that above all things done by Congress since the days of the Alien and Sedition laws—is filled with "gorgons, hydras, and chimeras dire;" it has run roughshod over the rights of *poor, helpless, defenceless* Texas, whose Senators and Representatives abandoned her in the hour of peril and distress, and, humiliating to relate, it was a nefarious scheme to despoil the South of slave territory, perfected by the bribery of the American Congress through Texan bond-holders! He would have us believe that these bond-holders, these *harpies*, who were ready to prey upon the tender consciences of Congressmen, were in the lobbies—beset the galleries and the door-ways—intruded themselves into the sacred recesses of legislative wisdom, where sat the gentleman himself, "wrapped in the solitude of his own originality!" What a picture! What a scene for the pencil of the artist, and what a humiliating spectacle for the friends of representative government! One day this *nefarious* scheme was rejected, the next it was reconsidered, and passed, against all the principles of parlia-

mentary law! Ah! the soft impeachment had been too irresistible, the delicious apple had been handed, the bribe had done its dirty work, the stern virtue of the American Legislature yielded to the enticement of gold, and the odious measure became the law of the land, by a vote of 107 to 97! And where, pray, was the gentleman himself during all this while? Why did *he* not cry aloud and expose such villainy? Was it because those "bribing bond-holders" passed him by without the cold respect of a passing glance? Or did they see in his courtly bearing and flashing eye a spirit too impervious to all their arts, too lofty for any price they could offer? The representatives of the people *bribed, bought up! Who are they?* Let them be held up to the scorn and execration of the whole Union! I will not, I cannot believe it. Rather would I suppose that any such suspicion, if suspicion there be, is the phantasy of some distempered imagination, the offspring of a diseased brain and malignant heart!

Perhaps it may be interesting to inquire what company the gentleman himself was keeping during this drama of bribery and corruption? He says the measure was ruinous to the South, and for this reason, as a fast friend to us and our rights, he opposed it to the hither end. Well, let us appeal to the record, and learn who these kind friends were that stood so gallantly by the South! I find among them a certain Mr. Giddings—who is somewhat *suspected*, at least, of Abolitionism; a Mr. Preston King—slightly under the same cloud; a Mr. Allen—who claims to be of the brotherhood of Free-soilers; a Mr. Sprague—who belongs to the same fraternity; a Mr. Root—whose polished manners and sparkling wit render him a Free-soil companion not to be despised; a Mr. Durkee—who will regard it as very cruel to be thought disloyal to the cause of Abolitionism for being in company with *such* a valiant champion of southern rights as the gentleman claims to be! Others, good and true in the cause of northern fanaticism, might be named. Strange, indeed, that we of the South should have so long misunderstood and misrepresented these men. How delightful the reflection that we found friends, in that hour of need, where we did not expect them! Are they *converts* of the gentleman? Are we indebted to *him* for their new-horn zeal in our behalf? If he was right, were they right too? If they deserved the approbation of their constituents, can he expect approval from *his*? How is it that extremes have thus so strangely met? Is it the sign of a political millenium? Is the kid at last to lie down with the wolf?

Let us dissect this vote a little further. The gentleman is fond of proclaiming his distrust of *northern Whigs*. Well, how does this rule work in this case? There were forty-four northern Whigs, and but thirteen northern Democrats who voted *with him* against this measure. How does this fact tally with his denunciations of northern Whigs? He says *his* vote was for the South. Will he claim that there were but thirteen of his own political friends at the North who could be rallied to stand by the South, under the inspiring tones of *his* voice, and vote down his proposition? There were twenty-seven southern Democrats who voted for the act. Were they enemies of the South, too, "*bought up by Texan bond-holders*?" Amongst these twenty-seven, I find recorded the names of Bayly and McDowell, of Virginia; McLane, of Maryland; Wellborn, of Georgia; Cobb, of Alabama; Boyd and Stanton, of Kentucky; Bowlin, of Missouri; Johnson and Ewing, of Tennessee; Johnson, of Arkansas; La Sere and Morse, of Louisiana; Howard and Kaufman, of Texas. Were such men enemies to the South? Did they fall victims to the magic power of Texan bond-holders? No, no! Such an imputation dare not be made. He dare not make it against Whig

or Democrat by name. Again, there were forty-nine northern votes for the measure, fifty-nine southern—a majority of *ten* from the slave States! The bill passed by a majority of *ten*. It passed then by southern votes. We are indebted it seems to our own representatives (Whigs and Democrats) for the success of an act whose provisions are so ruinous to our interest, so violative of our rights, and whose passage through Congress, if the gentleman's charge be true, was marked by so much that was humiliating to our personal and national pride. "Tell it not in Gath!"

But what is this measure, which seems to have produced such trepidation in the nerves of the gentleman? The General Government and Texas were disputing about the boundaries between that State and New Mexico. A conflict was about to ensue, which in all probability would have spread into a general civil war. It was proposed to pay Texas ten millions of dollars for all the territory she claimed north of a line running west from the 100 of west longitude on the line of 36° 30' north latitude, until it reached the 103d parallel of longitude; then down that line south until it reached the 103d parallel of longitude; then down that line south until it reached the line of 32, and with that line to the Rio Grande, at El Paso. From a map which I have before me, prepared at the General Land Office, from the treaty map, it appears that this line cut off about 88,000 square miles from the territory claimed by Texas. Of this, 44,661 square miles were south of the line of 36° 30', and the residue north of it—extending up to the 45th latitude. This territory lying on the east side of the Rio Grande, together with a large portion of country west of that river, was, by the act, erected into the Territory of New Mexico. Now, I understand him to contend that, by this act, the whole of the territory lying east of the Rio Grande, which was cut off from Texas, has been surrendered to Free-soilism. Here I take issue with him. What are the facts?

The joint Resolutions for annexing Texas to the United States declared that "new States, of convenient size, not exceeding four in number, in addition to the State of Texas, and having sufficient population, may hereafter, by the consent of the said State, be formed out of territory thereof, which shall be entitled to admission under the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire. And, in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crimes) SHALL BE PROHIBITED."

It will be seen, from this, that in all the territory of Texas which lay north of 36° 30' (about 44,000 square miles) slavery was expressly prohibited, whilst all south of that line was to be admitted into the Union with or without slavery, as might be desired by the people asking admission.

Now, the second section of the New Mexican Territorial act expressly declares "that, when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, WITH OR WITHOUT SLAVERY, AS THEIR CONSTITUTION MAY PRESCRIBE AT THE TIME OF THE ADMISSION." What results from all this? Why, that the prohibition imposed by the annexation resolutions on that part of Texan territory north of the Missouri compromise line is expressly repealed, and it stands upon the same footing in every respect with that south of the line, that is, to be admitted with or without slavery as the people may desire; whereas, the condition of that part south of the line has not in

any respect been changed. Is there nothing gained here to the South? Instead of surrendering even one acre of slave territory to Free-soilism, this act disencumbers upwards of 43,000 square miles from the slavery prohibition; in other words, relieves it in expressed terms, of the very principle of the Wilmot proviso, which was imposed on it by the very language of the annexation resolutions.

It appears, however, that the process of reasoning by which the gentleman arrives at the conclusion that it was a surrender of slave territory to Free-soilism is this: "No State could have been formed out of it except by the consent of Texas; Texas, being a slave State, would never have given her consent for it to come in as a free State—therefore it would always, under Texas, have remained slave territory." This may be good logic, but it is neither sound sense nor just principle. In what position would it have placed Texas? Why, denying her people in that section, when their necessities demand it, such a State government as they desired! Would this be just? Would it not be in express violation of the very first principles of popular government? Would it not have placed Texas in the position of endeavoring to force slavery on a portion of her people, who did not wish it, and this too by refusing them a separate State organization, when their necessities and interests imperiously required it, unless they should accept as a condition precedent the establishment of that institution? How beautifully consistent such a policy would have been with the "cæren" of the Calhoun resolutions of '47, and with the gentleman's own recorded sentiments as contained in the Southern Address! And pray, how easily could they have evaded all this? If the people in that part of Texas presented a constitution silent on the subject of slavery, or tolerating it in express words, could Texas have controlled them in any attempt to alter that constitution after admission? Besides, such a doctrine would have led inevitably to the result of placing Texas in the position of attempting to force slavery upon her people living north 36° 30' against the spirit, if not the very terms, of the law under which she herself came into the Union.

But there is still another difficulty, which he considers insurmountable. The Mexican law abolishing slavery rises up like a ghost to disturb his fancy. I again ask, how can this avail him as a reason for opposing this branch of the Compromise? He denies that the Mexican law was in force after the ratification of the treaty. He also maintains that all the territory east of the Rio Grande, incorporated into New Mexico, belonged to Texas. The act is based upon the principle that Texas had a claim to it. Then if, as he thinks, the title of Texas was good, of course the Mexican law had been superseded by the laws of Texas in all that part of New Mexico east of the Rio Grande; and, should there be a conflict between those who live on different sides of that river as to what law prevails, that of the uncivilized will necessarily yield to the law of the civilized portion of that people.

There is, however, a feature in this act, which, I submit, removes this difficulty. The relation of master and slave is recognised by the terms of the enactment. It provides, as in the Utah act, for writs of error and appeals in cases involving title to slaves. The last section also declares, "that no citizen of the United States should be deprived of his life, liberty, or PROPERTY in said Territory, except by the judgment of his peers, and the laws of the land."

It is well known that, when this measure passed Congress, there was universal outcry against it amongst the Free-soilers and Abolitionists of the North. Their presses and public speakers boldly

proclaimed it as a triumph of the slave power—as the surrender of forty odd thousand square miles of free territory to the South! And yet, in the face of all this, those who sustained this act are denounced as enemies to the South; as “*submissionists*,” as deserters of our rights; whilst those who opposed it, side by side with Giddings, Tuck, and many more of like stamp, are held up for commendation, entitled to our especial gratitude, and most lovingly caressed as valiant heroes who stood bravely by the honor of their section, and drove back the fiery hosts of fanaticism.

I contend also that the measure was just to Texas. She was oppressed with debt—a debt incurred in achieving her independence. She had pledged her public property to her creditors. When she came into the Union, she ceded a portion of that property to the General Government. It was thought by many that, on this account, the United States was bound in equity and fair dealing to pay a part of that debt. The Senators and Representatives from Texas voted for that act. It has been submitted to her people, and, as far as heard from, they will accede to the proposition by an overwhelming majority. She knows best what is for her interest and honor. We should be willing to trust her judgment and abide her decision. The ten millions of dollars will discharge her debts, and leave her a large fund to spread the blessings of education amongst her people and develop her great resources. She will increase rapidly in population. She will grow in power. New States will spring from her loins. The strength and political influence of the South will be thereby enhanced. We shall hear nothing more then of “*helpless Texas*,” but she will stand as one of the strongest pillars of this great edifice of freedom!

Against the vote of the gentleman on the bill to abolish the slave trade in the District of Columbia, I have nothing to say. In my humble judgment it was right and proper. Many distinguished men of the South, however, have favored such a measure as wise in itself, and politic, as it removed one great cause of irritation and excitement at the seat of Government on this delicate subject. That its constitutionality has been questioned, I am not disposed to deny. It professed to restore the Maryland law as it existed prior to the cession. It met the approval of a large majority of the people of the District. As a part of that great measure of Compromise, passed to restore peace to the country, and bring back once more union and harmony to all its parts, I am willing to abide its existence.

I come now, fellow-citizens, to that measure which, more than any other, was demanded by the interests and situation of the South. I refer to the Fugitive Slave law. It was our right—a right secured to us by the Constitution—a right which, had it not been secured, that Constitution never would have been adopted—this Union never would have been formed! Thirty millions of dollars’ value of slave property had escaped to the North. The act of 1793 had become a dead letter upon the statute book. It was necessary that vitality should be given to the provision of the Constitution securing our slave property. The law was passed to accomplish that end. It is a stringent law. We have a right to require that it be strictly observed, to demand of the Government that it be enforced, enforced everywhere, under all circumstances, and against whatever of fanaticism and insubordination may be brought to oppose it. My firm conviction is, that if it be repealed, nullified, rendered futile, worthless, by the unwillingness or inefficiency of the Government to enforce it against the reckless spirit and lawless purposes of fanaticism, THIS UNION CANNOT STAND! He who, as President, approves a bill repealing

that law, will in effect repeal the Constitution, and by that act will, in my humble opinion, sign the death warrant of this Union. What! To have the whole body of the free States reckoned as a vast reservoir—a harbor for fugitive slaves! A legislative inducement, premium, held out by such repeal to deprive us of our property, weaken our political power in the Confederacy, and increase the number of spies from our domestic hearths, who can add to the facilities for sending back upon us the firebrands of fanaticism. If the people of the North, forgetting all the ties of blood, all the sympathies for their own race and kindred, can thus jeopardize our peace and violate our rights, social and political, under a heedless and infuriated sympathy for the African race, upon their heads will rest the curse of rending asunder this Union. If they love that race better than their own race, than their own kindred and blood, bound to them by the sacred ties of marriage and of birth, by all the endearments of social relations, then indeed are they no longer worthy our confidence, respect, or affection; they will have become in heart enemies and aliens, and will be no longer friends and countrymen.

I hope for better things. I believe the law will be enforced. I have no fears that under this Administration it will be repealed. The triumph of the gallant Douglas at Chicago—the bold and fearless tone of Dickinson, Webster, Grier, and other patriots at the North—the vast assemblage of the friends of law and the Union at New York—the uncompromising spirit there exhibited by Whigs and Democrats—the calls for other meetings to rebuke the lawless spirit which prevails—the firm and decided character of our National Administration—all give assurance, though here and there insubordination may gain a temporary ascendancy, that the law will be enforced, and the friends of the Constitution will triumph. At least let us give them time to rise up under the weight of fanaticism which is pressing upon them; and God grant that they may pass unscathed through the fiery ordeal!

The gentleman has expressed the opinion that the law will not be enforced—that it will be repealed; and he couples with it the emphatic and unqualified charge “*that the present Administration is an abolition Administration*.” I meet the charge at the threshold, and pronounce it, to use no harsher term, an unjust imputation upon as high minded and patriotic men as ever held office under this Government! Pray, who are these *Abolitionists*?

There is William A. Graham, known to you all, often honored by your State, respected by you all, reared in your midst, with like prejudices and sympathies with yourselves, a firm man, an incorruptible patriot; a charge or insinuation that he is tainted with abolitionism, that a single throb of his heart beats in union with that faction, deserves the scorn of every man who honored the character of the State, be he *Whig* or be he *Democrat*! [Here Mr. V. disavowed any personal reflection upon Governor G.] Ah, the gentleman made no exception. His charge was a sweeping one. But how stands it, pray, as to the other members of the Cabinet? Conrad of Louisiana, and Stuart of Virginia, slave owners, respected and honored by their people—can any sane man believe that charge true as to them? Ay, and John J. Crittenden—the able jurist, the accomplished debater—with as generous a heart as ever beat, and as resolute a spirit as ever moved—a man who would have done honor to the Roman Senate in its palmiest days; in Kentucky, amongst those who know him, the charge that he would suffer a hair of his head to be enlisted in the cause of such enemies of his country’s peace, would be met with indignation. Daniel Webster—the great mental colos-

aus of the age, who presents at this time for the admiration of the world a spectacle which, for moral sublimity, was never surpassed; who has breasted, like a mighty rock, the fury of the storm of fanaticism, as it raged around him—who has rebuked, with a boldness unsurpassed, its fell spirit—who, in his late letter to the friends of the Union in New York, cast defiance in the very teeth of the unprincipled disorganizers; a man who in all he has said, and all he has done, in this contest, has towered far above party, superior to all sectional prejudices, and proclaimed and defended THE RIGHT with a daring seldom equalled and with ability never surpassed—*he an Abolitionist! he a sympathizer and adherent of Seward, Van Buren and Giddings!*—Have we lost ALL gratitude? Has justice departed from our midst? Of the opinions of the Postmaster General I know nothing, but I believe him a gentleman and a patriot; and though I am candid to confess that many of the sentiments contained in the speeches of Mr. Corwin meet no approval from me, yet it is understood that he is as determined as any man upon the execution of this law. The President of the United States needs no defence from me. His sentiments avowed during the campaign of 1843 his present firm purpose to carry out the laws; the embittered assaults made upon him by the abolition leaders and presses, assure all that in this trying crisis he will stand by the country—stand by the Constitution *as it is*, and execute the laws in good faith and with unquailing heart. Why, then, this attack upon the Administration? Is there a lurking desire, amidst this fearful conflict, to break down the moral influence and power of the Government, for partisan ends and sectional purposes? I believe the Administration will plant itself upon high ground—upon a national platform—and look to no one section, pander to no unworthy prejudices; but appeal to the sober reason and conservative spirit of the whole American people. If it will do this the nation will sustain it. But if it falter *under* or tampers *with* faction, anywhere or for any purpose, it will be deserted, broken down, contemned, as it will deserve to be.

I appeal, then, fellow-citizens, to your good sense and patriotic judgment, and ask in what position do we now stand? You well know that for years past the South has been struggling against the *Wilmot proviso*, which was sought to be imposed upon the territories acquired from Mexico. We considered this odious measure as an unjust and dishonorable encroachment upon the rights of the whole South. This was the main cause of disaffection, alienation, and alarm in the minds of our people. Has this obnoxious measure been incorporated into any of the acts of Compromise which we have been considering? No, no; not one. It was defeated, in every shape it was presented, during the progress of those acts through Congress. It is true that, when the constitution of California was first reported to Congress, the charge was preferred that the National Executive had dictated the slavery restriction to the people of that country; but the recent letter of that gallant officer, General Riley, has put to rest this groundless and unjust slander upon the character of that firm old patriot who then presided over this Government. Throughout the struggle on the Territorial bills the doctrine of *non-intervention* was triumphant.

To those of you from whom I differ upon questions of party politics, I would respectfully address one consideration. In the Presidential campaign of 1848 you voted for General Cass. You claimed that he avowed in his Nicholson letter the doctrine of non-intervention. He voted for those measures of Compromise. He gave his great abilities and influence to their support. Does any one believe that, as President, his course would have been dif-

ferent from what it has been as Senator? If not, would any of you, who are opposed to this Compromise, have abandoned and denounced his administration? For his recent exertions in the Senate to settle fairly and honorably these great questions which had so long divided our people, he is entitled to the gratitude, not only of the South, but of the whole Union. To the attack which the gentleman has thought proper to make upon Henry Clay, for the part he bore in this struggle, I have but a word of reply. As bitter and unjust as it was, he will survive it. Such shafts cannot reach him. Arrows have been shot from bows stronger than his, but they fell harmless at his feet. His fame and character belong to the age in which he lives, and his name will adorn the pages of history, as a true patriot and great statesman, when those who assail and traduce him shall have gone down into oblivion and have been forgotten forever!

The question comes back upon us—shall we stand by the Compromise? Distinguished men, of both great political parties, united to perfect and pass it. Webster, Dickinson, Cass, Mangum, Clay, Houston, Foote, and others, worthy the confidence of the nation, contended side by side, and devoted their abilities to the restoration of harmony to their country. It is a question above party, higher, vastly higher than its success; upon the issue of it may depend every thing that is worth preserving under our Constitution and Government. It is a platform upon which all can stand. Let us say, then, to the North, "This is our position. We will stand by the Compromise. If you execute the Fugitive Slave law in good faith and cease to assail our rights and disturb our domestic tranquillity, we are with you; but if you repeal, nullify, destroy, or alter, against the Constitution, that law—if you renew your unjust and mad attacks upon our institutions, upon your heads must rest the consequences; for, before God, we *should* not, every impulse of justice, honor and self-preservation demands that we *should* not, and we *will* not, submit to it."

Then, SHALL WE STAND BY THE COMPROMISE? That is the question—that is the issue, not for the South alone, but for the North, for the West, for the whole country. Upon it, I honestly believe, depends the preservation of this Union. What do we behold? Whilst the fanatics of the North are proclaiming their determination to set at defiance one branch of those laws, we find at the South those who would move heaven and earth to excite resistance to other parts, who advocate secession, who proclaim that disunion is far preferable to submission to them. Have such men, North or South, calculated the terrible consequences of such rashness? Have they reflected well upon the effects, the humiliating, the melancholy—ay, the awful effects which must necessarily be produced by a dissolution of this Union? It would be ruinous, not to *one* State alone, not to any particular section, but to each and every State and to *all* sections. Does any man believe that but *one* Confederacy could be formed of the slave States?

Who supposes that the Northwest would ever surrender the mouth of the Mississippi? The free navigation of that father of waters is as necessary to the prosperity of the vast population who live upon its tributaries as the trunk of a tree is to the life of its branches, or the body of a man to the healthiness of his limbs. If we cannot now, whilst living under the same paternal Government, *reconcile our differences and secure our natural rights and peace*, what will be the condition of things when the bonds that unite us together shall be broken asunder? Will heart-burnings, jealousies, and bickerings be done away? Will they not rather increase more and more in bitterness, until broils, border violence, rapine, and war—a war of exter-

mination, a war of horrors never yet known to the bloodiest pages of history, must follow? Would the South be able to protect her property without a cordon of military posts along the whole line which would divide us? With the carnations of fanaticism on the subject of slavery boiling in all sides of us, emitting their poisonous exhalations through our ports, across our line of frontier, by every means which the ingenuity of the disaffected and lawless might invent, could we look for safety and protection, without *military encampments, standing armies, a sleepless police, and grinding taxes?*

That there are men North and South who *desire, crave* disunion, even without just cause—*disunion for its own sake*—for their own personal advancement, there is, alas, ample proof. Nor does the evil end here. A "local habitation and a name" are given to some of their designs. A Southern Confederacy has become the darling project which has filled the ambition, excited the imagination, and inspired the hopes of some; whilst others would fain persuade us that we should not stop here, as in their opinion, our wealth and importance would be immeasurably increased by a more intimate connexion with the great commercial mistress of the seas. A Southern Confederacy of two or even a dozen States under a commercial league, offensive and defensive, with England! Degrading, self-abasing expedient! The lamb in the paws of the lion. Ay, more than all this—the fair goddess of liberty, with her golden tresses, dishevelled and garments tattered and torn, lying down in the lecherous embrace of the cloven-footed and hairy-armed Satyr of despotism! A league with England! Any one of the glorious old thirteen under colonial vassalage once more to the colossal power of her ancient enemy and oppressor! Putting on again the shackles which the stout arms of her fathers shattered over the head of that oppressor! Ay, the eagle, "towering in his pride of place" hawked at, and his rich plumage torn from him to decorate the shaggy mane of the British lion! Some of those bright stars, which have so long shone as beacons to the oppressed of all nations, wrenched from their bright galaxy of freedom to set the diadem of MONARCHY! That glorious flag, which has waved triumphantly over so many battle-fields of the Republic, despoiled to adorn the tapestry and add to the trophies of ROYALTY! The spirit of the immortal Washington, were it permitted, would rise up, in all its sublimity, to put the seal of reprobation upon such an unhallowed alliance! The patriot forms of Marion, of Sumter, of Davie, of Caswell, and a host of others, who poured out their very hearts' blood for their country's freedom, would step forth to forbid the unholy bans, and every drop of blood would fix a "damning spot" upon such an alliance, which; to its craven and reckless projectors, like that upon the hand of the guilty Macbeth, will never, no, never, "out!" He who would attempt to consum-

mate such a scheme is a traitor to the great cause of human freedom!

CALCULATE THE VALUE OF THIS UNION! Who can do it? What mind can fully comprehend the inquiry? What intellect can grasp the theme? Who can estimate the good which it has already accomplished? Who can foresee—who foretell the evils that will follow its dissolution? Stretching from the shores of the Atlantic to the Pacific ocean; throwing its mighty arms from the frozen regions of the north to the sunny climes of the south; with a soil as rich and varied as the sun, in his course ever shines upon; with a population of thirty millions of souls, prosperous, happy, enterprising, sending up their songs of praise to the Almighty Disposer of events for the great blessings they enjoy; with a commerce whitening every sea, and carrying the fruits of civilization into every land; with a Government which, for safeguards to human freedom, surpasses all that ever entered into the imagination of a Plato or Harrington, *thus standing out before the world a GREAT, FREE, UNITED NATION*, a bright and shining light to the down-trodden, a terror to tyrants and oppressors. If this light be extinguished; if this planet shoot madly from its sphere, and dart into the black abyss of anarchy and civil bloodshed, where, where again will man look for hope; what other star of freedom will pierce the darkness?

CALCULATE THE VALUE OF THIS UNION—THE WORTH OF OUR GLORIOUS CONSTITUTION? Sixty odd years have elapsed since North Carolina came into this Union, since she put her seal to that Constitution. Two years she reflected before the step was taken. She reflected long and well. She came in. She signed the great indenture. She affixed to it the signet of her sovereignty. *It was her own voluntary act.* Up to this hour she has performed faithfully, and with true and patriotic heart, all its obligations. She expects still to perform them. She will never deny her signature or repudiate her seal. She desires to be true to the plighted faith to her sisters. She demands of them to be true to their duty—to their pledges—to their obligations. If they are thus true, she will stand with them upon the battlements of this Union; and though they may rock and totter beneath the attacks of enemies, *she will never leap cowardly from them*, but clinging the firmer to her high position, hand in hand with those sisters, she will bid defiance to the assaults of fanaticism from within, and tyranny from without.

If danger threaten, if perils come, may she cling to that Constitution—the barque which carried our fathers through the perilous waves of anarchy—and however portentous the coming storm, may she lash herself to it; and, if destined at last to go down, I pray God that she may go down with a hold and true heart—*untainted with treachery, and with garments unsullied by treason!*

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