

STATE OF THE UNION.

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SPEECH

OF

HON. THOMAS CORWIN,

OF OHIO,

Delivered in the House of Representatives, Jan. 21, 1861.

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# S P E E C H .

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The House having under consideration the report of the Select Committee of Thirty-three—

Mr. CORWIN said :

Mr. SPEAKER: It is not my intention to occupy the time of the House this morning with the submission to them of remarks upon many of the topics which are naturally associated with the great questions before us. I shall have discharged the duty which I feel incumbent upon me as one of the committee of thirty-three, when I have presented the subjects which have been introduced, with a few very brief explanations of the motives which have induced the committee to recommend the adoption of the resolutions and bills which accompany their report.

It is about thirty years since I first took a seat in this House as a Representative from the congressional district in Ohio in which I now reside. Two years after that time I was called upon to act in my representative character upon a subject very nearly akin to, if not identical with, that which now widely distracts the public mind from one end of this vastly-extended Republic to the other. At the time to which I now allude, a portion of the southern people of this country, led on then, as now, by the State of South Carolina, had declared, in a convention of their people, that the then existing laws levying duties upon foreign merchandise, in its judgment being unconstitutional, had absolved that State from its obligations to the Union. She did not then actually attempt to secede. I believe that was not the term then used to signify the action of that State. She proposed to strike down the laws of the United States within her limits; and this was denominated nullification.

This movement of South Carolina met with little sympathy at that time from the other southern States of the Union. Other causes for the present distraction of our Union are now assigned; but the same mode of accomplishing it is adopted substantially. It was then alleged that a supposed unconstitutional act of Congress was to be adjudged of and decided upon in the last resort by any and every State in the Union that might choose to assume jurisdiction of the question. South Carolina had determined for herself, and her decision was then announced, that this act, levying duties on foreign merchandise, was unconstitutional, and, in its nature and in its tendency oppressive to the people of that section of the Union. Therefore she would withdraw herself from the Union, and establish an independent Republic of her own. The doctrine now asserted in some of the States is, that an unconstitutional act, passed by the Legislature of a State, is of itself a ground for a withdrawal from the Union whenever any State shall choose to consider such law a violation of any provision contained in our Federal Constitution.

I little thought, when that unhappy difficulty which so much excited the public mind from 1831 to 1833 was composed, that at the near termination of my natural life, and the still nearer approach to the close of my political service, I should ever be called upon again to give a vote or utter a word which would have any application to a question of such fearful import. But, sir, I believe the pages of history will show that in every stage of human progress, from the beginning of the time

when man began to be an occupant of this earth, his restless and unquiet nature, while it has prompted him to great improvement, has often led him to forsake the present good for some vague hope, never to be realized, in the future.

Any one who had read the history of one of the greatest of the empires of the world, especially of its decline and its dispersion into fragments, might have well suspected that at some period in the history of this confederated Republic a tendency to fly off from the center of attraction would, sooner or later, be exhibited in some of the States; and that from that cause, as the makers of the Constitution, some of them, did believe, we might expect, at some day or other, an attempted dissolution of the bonds which hold us together as one people.

Such is now our condition; and that unhappy state of things has this day brought us to the consideration of the means by which the threatened catastrophe may be averted. We are called on to exhaust every means possible to accomplish a peaceful adjustment of present difficulties; and if these should fail to effect the desired end, then we must determine whether this government has the right and the power to enforce the laws of the United States, and hold and protect the property of the United States any and everywhere within its territorial limits.

The word coercion has been made one of very fearful import by some, when used to signify the power of the General Government to compel individual obedience to its laws. Much useless controversy, I think, has been had on both sides of the House touching the power of the United States to coerce a State. The Constitution, in my judgment, does not look to the coercion of a State. It only proposes to enforce obedience to its provisions upon the *people* of the United States; and I have always supposed it conveyed to the United States Government the right and the power to resist and punish all forcible opposition to its laws, offered by any number of persons, whether acting upon their own responsibility, or under the assumed authority of any State or combination of States.

But it is not my purpose now to discuss this question. My mission to-day is one of conciliation, of peace. If grievances, real or imaginary, are presented to me by one or more members of this great family of States, I am ready to consider them, and employ every resource within my power to remove or redress wrong, if wrong has been done; to soothe anger if it exists; to remove unfounded prejudices, or explain unhappy misunderstandings; to heal wounds if there be any; not to irritate and intensify them; if danger is apprehended to the rights of any portion of the people, I am ready to shield them from even the apprehension of danger, by fortifying their rights with further constitutional guarantees. Show me the wrong, and I will redress it if in my power; point out the danger, and I, if possible, will offer every security against it, and pledge every power of the government to avert it. To effect these beneficent purposes, the committee have diligently labored, and have instructed me to report the bills and resolutions before us.

Mr. Speaker, I cannot, will not, give up the belief that, if the people of the United States, in the States north as well as in the States south, can be satisfied that the causes of complaint which have led to these strange and, as I think, unwarrantable movements of the southern States, have any foundation in fact, these causes can be, and will be, at once removed. These, sir, are the grounds of my hope that public tranquility will again be restored.

And now, Mr. Speaker, I proceed to the consideration of two or three topics embraced in the report; which, when I have explained, I shall for the present resign this debate into other hands. We are compelled, in matters of this kind, to resort to a species of information which is not always accurate, but the best at our command.

It has been alleged, sir, that unconstitutional laws have been passed by several of the States of this Union which have a tendency to embarrass the operation of the laws of the United States, and especially that for the recapture of fugitives from labor. It is alleged that such acts, by some, or by many of the States, were, in the judgment of the southern States, sufficient cause for dissolving their connection with the Union. These laws have acquired the popular name of personal liberty laws. They have been so denominated by the popular language of several of the States. And here, Mr. Speaker, you will find the position which we now occupy differs in principle very little, if at all, from that in which we were placed by the attempted secession of South Carolina in 1832-33.

Then it was alleged that a law passed by Congress which had a prejudicial effect on any portion of the Union, and adjudged by a State convention to be unconstitutional, was, of itself, sufficient reason for dissolving the Union. Now, it is said, if a State should pass a law unconstitutional in its character, that the proper judicature to determine that unconstitutionality is a sovereign State; and that if that be so, then a State has the right to sever its connection with the Union, and carry its citizens away from all allegiance to the United States Government.

Undoubtedly, if this had been the case, if either of these had been considered a sufficient cause for breaking up the Union of the States, there have been a thousand cases which might have been seized upon with just as much propriety as now. The reports of your judicial courts, State and Federal, are full of decisions which have declared that such and such laws of the United States were unconstitutional; that such and such laws of the States over which that judicatory extends were also unconstitutional. It was for the very purpose of having a tribunal to whom such questions should be referred, whose decisions upon such subjects should protect the citizens against violations of the constitutions, State and Federal, that the supreme courts of the several States, and the United States circuit and Supreme Courts were established; and the Supreme Court of the United States was established to protect the rights of the people of all the States existing under the Constitution, treaties, and laws of the United States, against encroachment, by either Congress or the States. To that arbitrament, ever since the adoption of the Constitution, it has been the habit of the peace-loving people of the country to submit any dispute of that kind; and hitherto it has shown itself to be well and wisely adapted to the great duty assigned to it. But now it is said that the States are the proper tribunals by which such questions should be decided. If that be so, then the objects of the great men who made this Constitution were not attained.

The alleged unconstitutional laws to which I have adverted were enacted by the States, as they assert, for the laudable purpose of protecting the free people of those States from possible danger arising out of the manner in which the laws of Congress touching the recapture of fugitive slaves was executed in their limits. I might here say that I have not approved of many of these laws myself; but it is not for me to arraign the Legislature of a sovereign State, nor will I lightly condemn any attempt it may make to preserve what it deems a just right of the people over whom its legislative jurisdiction extends. But, is it not obvious—just as obvious to my brethren of the South as it can be to anybody else—that if any such law has ever existed upon the statute-book of any State of the Union, such a law was totally void, unless you assume the proposition that the law of the United States with which it comes in conflict is void?

I am looking at this alleged cause of grievance now, as one which, if it have any foundation in fact, whatever, can be easily removed; or rather, I wish to say, it can-

not possibly have any effect upon the interests and rights of southern men and slavery. The law concerning the recapture of fugitive slaves has, by the act of 1850, been submitted exclusively to the courts of the United States. The State courts have now nothing to do with it, as was the case under the law of 1793. It must follow as a legal consequence, if they deem the law of 1793, and the amendatory law of 1850, to be within the constitutional powers of Congress, that they will execute that law; and every law, and every State constitution coming in conflict with any part of that law will be declared by them totally void.

When I assert this as a legal proposition, I presume there is not a man on this floor who will not agree with me. If, then, some of these laws passed by some States, called northern, have come in conflict with the laws of the United States, they were mere incompetent acts of the States, mere incapable attempts by the States to interfere with the just and proper execution of that law of the United States which, when declared constitutional by the courts of the Federal Government, is made, by the Constitution under which we live, the paramount law of the land; for that Constitution ordained that the Constitution itself, and the laws made in pursuance of it, and the treaties made under it, should be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding.

The committee were painfully anxious to find out whether any injury had ever resulted to the *property* of any southern man by reason of this conflict of law. I beg my friends upon this side of the House to pardon the use of that common word as applicable to the condition of a person who owes labor to another. A slave in the slave States is called property, and treated as such. He is also called a person, and treated as such. I may as well stop here a moment to say that I am not very much skilled in philology; but I profess to know something about legal phraseology. Upon this point allow me to say that, whenever a man owns a thing which is of value, and which can be converted into good Federal money, I call that thing property. I do not say that man can hold property in man; but I do say there is a relation created between slaves and the owners who hold them by the laws of the slave States, which relation is a thing of value, and may as well be called property, recognized by the Constitution of the United States, so far as to declare in plain terms, that every State is bound to deliver up one of those persons who runs away from the man to whom he owes labor; and in that it does recognize the right of any State to establish that sort of relation. I pray the day may never arrive when this Federal Government shall assume jurisdiction over a subject so clearly belonging to States alone, except in the simple case of territory not yet formed into States.

That relation between the man that does owe labor and him to whom that labor is due is called, in the familiar phraseology of the country, slavery. Though I will not be bound by any criticism of my own on questions of this kind, yet I may observe, in passing, that the word "slave" has been strangely perverted from its original meaning. I think if the history of that very word were looked into by gentlemen of the South, it would teach them something worth their attention; and among other matters, that the familiar appellation which they give the black man was derived from the national patronymic of a people now constituting one of the most powerful empires existing upon this earth. It was a name given to and applied to white men, to blue-eyed men, and to fair-skinned men. It was simply "*scève*" or "*scavon*," a name which, far back in the history of the world, was applied to that powerful nation. So many of them were in the condition of servants, that it became a common, familiar name in after times for all people who were in a state of

abject servitude. That former slave or slavon now sways his scepter over sixty or seventy millions of people, and may safely defy half Europe in any contest of national strength.

The great autocrat who well and wisely presides with imperial and despotic sway over that Russian empire, has found it convenient, recently, to institute a system of things which looks to the extinction of serfage throughout his entire dominions. Strange, indeed, are these changes, which time and events bring about. The very people, once so abject as to make their national name in after times a synonyme with servitude, have become powerful and the owners of vast numbers of slaves; and in the plenitude of that power have resolved that slavery or serfage shall exist no longer among them. Why, then, should we, at this day, carry on this war of "words!" We are concerned about things no matter by what word or form of words those things are represented. I think we may as safely call that relation of a slave to his owner property, as to give the name of property to any other thing which a man by law may buy and sell. Whether you call a slave property or a person, you do not change the nature of his relation to his owner; you do not alter his condition, nor your obligation to acknowledge it by one or the other form of definition. It is enough to know that whether rightly called property or persons owing labor, the Constitution declares that if they escape from him to whom their labor is due by the laws of any State, they may be followed, reclaimed, and shall be delivered up. An alleged opposition to the law, founded on the clause in the Constitution to which I have referred, forms one of the complaints of the South against the North.

As I have before stated, the law of the United States in question has devolved upon the courts of the United States exclusive power to administer and execute it. It has been declared constitutional by those courts. It follows that it is paramount in authority, either to the law of a State or the constitution of a State; and nothing therefore which controverts it, either in the organic law or in the legislative acts of a State is worth more, as an instrumentality in preventing you from recovering your fugitive slave than so much blank paper bound up in the legislative archives of any State. It will not do, therefore, Mr. Speaker, for us to suppose that gentlemen of the South, intelligent men of the South, lawyers of the South, statesmen of the South, have ever in their own minds considered that this supposed conflict of laws furnishes a sufficient cause for disrupting the bonds of mutual good-will and brotherly regard which grew naturally out of the Constitution and the union of these States.

It has been sometimes said—and is indistinctly referred to in the President's message this year—that the northern newspaper press has emitted publications which, when circulated in the South, have a tendency to excite domestic insurrection. It has been obvious to every one that against these wrongs, it becomes every State to guard itself. First, I hold it to be the duty of every free State in the Union to suppress any publication, designed to be circulated in the South or North with the *intent to create domestic insurrection*. It is the plain duty of every State to suppress such publications, and to punish their authors.

I am well aware that I tread on dangerous ground when I treat of the proper line to be drawn between the freedom and the licentiousness of the press. I know how prone have been the rulers in other countries to use this dangerous power improperly; still, under proper restrictions, while the jury is left free to determine the *intent*

whether good or bad, with which a book or paper is written or published, no good citizen is likely to suffer from the principle I propose.

I hold that every political association calling itself a Government has the rightful power to protect its own peace, and by proper means to preserve itself from destruction. In a form of Government such as ours, where all the laws are enacted by persons elected by a majority of all the people, any publication made with the *express intention* to excite *forcible* opposition to the laws, involving in its consequences all the dangers of civil war, should be regarded as a crime and so treated, and its author and publisher punished accordingly.

We are indebted to the labors of Lord Erskine, in England, for the establishment of the true and safe rule on this subject. The publication must be such as would *necessarily tend* to excite domestic insurrection, and it must be written or published with the wicked intent to produce insurrection; of these the jury should be left to judge. Thus, while press and tongue are left perfectly free to exert all their powers to reform abuses or promote great public purposes, both are only required to so exert their powers and faculties as not to promote the destruction of all government; at least, not to *intend* to do it. What sort of citizen is he, who, having these easy remedies for the safeguard of all his rights, instead of appealing to the judgment of mankind in careful and well-considered articles, will publish an article or utter a speech with the intent to excite insurrection against those laws, made by the suffrages of all the people? God knows I would be the last man in the world who would do anything that should prevent the freedom of speech, for that is the only freedom I have ever known. But if there is any feature that distinguishes this Government from others—the autocracy of Russia, or even constitutional monarchy—it is, that here the people, by their chosen representatives, make all the laws, State and Federal. For this reason, he who undertakes to put down the laws thus made, by incendiary publications, instead of asking the people to vote upon the subject as he himself would vote upon it—willfully and wickedly excites to domestic insurrection, and should be punished as an enemy to the public peace.

I here dismiss that part of the general subject, not doubting that the good sense of the people of the States will, by proper enactments at the proper time, secure us against the evils complained of. I think it has been shown, to the satisfaction of every gentleman, that if any law has been passed by any State intended to impede any southern man in the recapture of one of those persons who owe labor to him—in other words, in the recovery of his property—such law is totally void; it is a mere ineffectual attempt by a State, if it intends any such thing, to lift up its puny arm against the strong and gigantic power of that Constitution of the United States which declares that all laws made in pursuance of that instrument, shall be regarded as paramount to State constitutions and State laws. Such a law never could have injured any of them. It never has. It never will. I know how slow southern men are to believe our declarations; I know how utterly destitute they are of all correct information in regard to the feelings of the North; I know the prejudices they entertain against our population; I have heard the unparalleled and fearful expressions of them in this Hall during the last two years; I have seen too plainly, from the newspaper press of the South, how feelings and ideas dangerous to the peace of the country have been instilled into the minds of the masses of the people of that section.

Mr. Speaker, what next is presented to the consideration of this House? It has been the constant effort of one class of politicians, at both the North and the South,

to induce the people of the South to believe that a political party, calling itself Republican, when it shall have attained the command of the Congress of the United States, when it shall have command of the executive department, and shall have molded, in some way, the Supreme Court of the United States and the subordinate United States courts, that then, by some means, which have never been explained, it would use the power of the Federal Government to march over the Constitution and seize the property of the slave States. This need not be denied. The press of the South, the mysterious voices which have been uttered in this Hall for the last three years, show that this is the meaning of southern men when they speak of the dangers to be apprehended from the predominance of that Republican party. This is not inferred from anything which that party has avowed—not from any specific principles which it has adopted—but simply because you believe that, ultimately, the great Abolition party, which you always magnify in your imagination to fifty or a hundred times beyond its proper proportions, will obtain the control of the Republican party. How are we to disabuse your minds of that idea? How? The Constitution of the United States no more gives to Congress, or to the President, or to the courts, power over slavery in the States where it exists, than it gives them power to regulate the policy of the British empire in India.

But you have assumed that the wicked intentions of that party, pervading the legislative department, shown in its election of an executive, and finally permeating and poisoning the fountains of justice in our courts, would overleap all constitutional impediments. I ask you if that is not an event so utterly improbable that it would have been wise to have waited for the consummation of those evils attributed to the Republican party, rather than to have anticipated an event which I shall show you is utterly impossible, even under the existing Constitution. Some historian, writing a thousand years hence, will look back on this period of our history, and will come to the conclusion that the great experiment on this continent, which was intended to demonstrate that man was capable of self-government, was near a total failure at this time; and one of his proofs would be the very insanity—I can call it nothing else—which the people of the country have exhibited touching this question of slavery.

Now, if I may be permitted to address myself, not to the House, but to that portion of the House which represents the South, I would ask any of you, gentlemen, to describe to me how it would be possible for the Republican party, or any party that might entertain so foolish and unconstitutional a design as that which you have attributed to us, to accomplish their purpose? You would reply, that, when two-thirds of both branches of Congress are in favor of it, they can propose to the people of the States an alteration of the Constitution, whereby Congress shall have power over this subject of slavery in the States. That may be. But what sort of change would it require in your political system and relations to give to an anti-slavery party two-thirds of both branches of Congress? There are now fifteen slave States in the Union. There may be another one next year. In order to bring about the accomplishment of the wicked designs which you say is so certain, and to prevent which States sever their connections with the Government, and plunge themselves into anarchy, and, it may be, into the bloody whirlpool of civil war, there must be forty-five States in the Union.

Before, therefore, you can get two thirds of both branches of Congress to agree to that change of the Constitution, while fifteen slave States remain, and while you stand firm to your rights and your duties, there must be thirty free States in the



Union, all concurring in that diabolical attempt to change the whole structure of your Government. You have now eighteen States, called free. To get to the number of two thirds of both branches of Congress, that would ever recommend such a change to the other States of the Union, you must have twelve more free States added to these eighteen free States. I appeal to every man upon this floor to say whether he really does believe that, in the lifetime of the youngest child, born but yesterday, such a state of things will ever be presented in this Republic? Where will you get these States from? Can you make twelve new States out of any territory that you now have? Nobody believes it possible. No sane man believes it possible or probable. The very first step that you say is sure to be taken, requires that which it is utterly impossible, with our present territorial dimensions, ever to accomplish.

But you say you must acquire other territory; and you gravely sit down here in the halls of legislation, in the only successful Republic that has yet appeared, in our form, on the face of the earth, and distribute among yourselves the dominions of neighboring States, while you are about to break in pieces your own Government because you cannot agree as to the occupation of your present domain. You are looking towards Mexico, and Nicaragua, and Brazil, to determine what you will do with all their territory when you get it, while you are not sure you will have a government to which these could be ceded.

But suppose two thirds of Congress do recommend the change; what then is the Constitution and the law? Three fourths of the States must agree to these amendments of the Constitution before they become valid. Now, there are fifteen slave States which will never agree to it. Consequently, while those fifteen remain, you must have forty-five free States to overcome them. And yet, with all the intelligence of this country, with \$1,000,000,000 of property depending upon it, people have been led to adopt a view so utterly absurd in the very nature of things, so absurd and unreasonable, that no reasoning can be applied to it. So singularly wild is it, that it seems nothing more or less than one of those rare and fantastical forms of madness to which reason can have no application. But the patient North, the peace-loving North, the law-abiding North, has come now and offered to you that, if you have a doubt on this subject; if you can believe that there are to be twelve more free States in the Union that would recommend such a change in the Constitution; if you believe that you can have twenty-two more free States in the Union, so that three fourths of all the States will authorize such change; if you believe any thing of that kind; if your slumbers are disturbed by it; if the harmony and good will which you bore to those abused brethren of yours in the North, has given place to any feeling of enmity, we will do away with that enmity, and render it *utterly impossible* that the right of property in a man who owes labor or service to another shall be interfered with by the North. This committee, determined to leave nothing unattempted which held out promise of peace, have come to the conclusion that they will recommend now to all the States of the Union to change this Constitution of ours on that very subject, so that there shall never be a project to interfere with slavery in the States, originating in any free State; and that if anything of the kind is ever suggested, it shall come from a slave State, and shall never be adopted until the individual action of every State in the Union, north and south, shall be had agreeing to it.

The idea of a determination to interfere with slavery in the States has been fastened on the minds of the masses of the South; and, acting on it, they are now en-

deavoring to break up the only Republic that can exist, as far as we know, on the face of the earth. Out of the anomalies of our time there will be some day written a strange chapter in history. The North American Republic, maddened by an idleness, acts upon that figment of imagination as veritable fact, and the pangs of dissolution lay hold of her. In this very paroxysm the instincts of her former palmy days are upon her. She turns her eyes in intervals of rest to future acquisition, and insists upon providing for it in the very Constitution which, in her fits of delirium, she tears into fragments. Herself about to die, she still covets the lands of her neighbor, Mexico. Now turn to Mexico—young, weak, but still struggling Mexico. For forty years she has been striving to imitate us. The red cloud of war that, with rare intervals, had enveloped her, has, within the last month, parted its folds, and disclosed the star of peace. Religious despotism, it is said, has received its death wound there. Constitutional government, bringing with it liberty regulated by law, is likely to be at last realized in Mexico. That for which she has fought forty years is hers. That which we have enjoyed for twice that length of time we are about to trample under foot as a worthless thing. The evils that have crushed, and oppressed, and broken down the unhappy people of Mexico, are about to be adopted by us, to whom she has looked as a model for stability in the execution of the laws, stability in public sentiment, enlightened, as it is supposed to be, by a free press, controlled by an enlightened, educated, brave, industrious, and religious people.

I said, Mr. Speaker, that I did not propose to enter into general discussion. There are some subjects, however, so tempting that one cannot avoid pausing in the logical course of argument, to step aside and survey for a moment the beauty or barrenness of the landscapes that present themselves along the heretofore untraveled road, which we are obliged to tread to-day.

And now, Mr. Speaker, a very few words on one other topic, and I have done: I allude to the proposition we have submitted for the admission of New Mexico into the Union as a State. The present census will show the amount of the population now existing in what are called the free States, and in all the territory north of that magic line of  $36^{\circ} 30'$ . It will also show with convenient accuracy the populations slave and free, existing in the southern States and the Territory of New Mexico, lying south of latitude  $36^{\circ} 30'$ . This Territory is now the great battle-field on which the South and North meet in wicked, foolish, fratricidal strife.

Now, Mr. Speaker, it has often been said by the South, that they have not their fair proportion of the lands of the United States. If they have not, ask who is to blame for it? Grant this to be true in fact, which I do not: is there any portion of the northern or free States where any man can desire to establish, as an institution, slave labor? I think not. If gentlemen of the South will look at the map, and mark that portion of it which is occupied by what is called "free labor," they will see that there is not one foot of it to which it would be profitable to carry slavery. Whose fault is this? Will you blame the Almighty Maker of the world, because, in establishing the climates of this continent, He did not place these northern States and Territories near enough to the sun to make slave labor profitable there? The northern people are not to blame for the character of the climate in which they live. The North is not to blame because the country is adapted to corn-fields and wheat-fields, and buffalo-pastures north of  $36^{\circ} 30'$ . Nor do we of the North arraign southern people because the territory south of that line is suitable for sheep-folds, cotton, rice, and sugar plantations. Will gentlemen of the South make war upon the North because the Creator of all worlds, in fashioning this one on which we live, and making it fit to

be inhabited by his creatures, white or black, guided by infinite wisdom has made more territory in our country profitable for free labor than that which is suited to the labor of the slave.

But you say there is a portion of this territory which it would be well to devote to slave labor. You want New Mexico, which lies south of the line of  $36^{\circ} 30'$ . New Mexico, you say, belongs to you. Take it! Take it! You do not claim, in any of the propositions which have been submitted, to occupy with slave labor any territory except that which lies south of  $36^{\circ} 30'$ . Take it! I repeat, take it! Will that satisfy you? Will you then be content? Alas! I fear you will not. Why I fear you will not, I do not now wish to explain. You know there is a radical difference of opinion recently—it was not always so—between lawyers, touching slavery and its rights in the Territories. For about sixty years they all entertained the same views upon this subject; but recently it is unfortunately otherwise. It is now said that slavery exists in all our Territories, and that it is the duty of this Government to protect it there by laws enacted for that purpose. It is the duty of the Federal Government, whenever there shall be a domestic insurrection in a slave State, to suppress it, and for that purpose the militia of all the States may be brought into the field, if necessary. Whenever that event shall take place, the constitutional obligation to protect slavery will then devolve upon us all, North and South; and you will find that thousands of men from the North will fly with as much alacrity as the chivalry of the South to quell that insurrection. You know they would. If you do not, you are ignorant, totally ignorant, of the real character of the people of the North. To that extent the Constitution binds us to protect slavery. But we have not supposed that slavery did exist in all the Territories by virtue of the Constitution. We have regarded slavery as confined to States; we have regarded it as the offspring of State legislation—as the child of State constitutions and State laws.

What, then, shall we do with New Mexico? This committee has provided that we shall do precisely what it is now competent for Congress to do, and what would put an end to the issues which divide us concerning the jurisdiction of Congress over the people there. Let it become a State and form its own institutions. Now, the question is submitted to us all, why may not that be done? If we cannot agree about the legal right of the Government to do this or that, about the legal right of a man to carry his slave everywhere, let us drop the legal question; and since there is probably an irreconcilable difference between the North and South as to the powers and duties of Congress over slavery in the Territories, I propose to take all the territory south of  $36^{\circ} 30'$  and admit it as a State at once into the Union. This is all the territory claimed by the South. It must very soon become a State, and then all agree it may elect to have slavery or reject it. Let this be done now. If the people shall ordain slavery in their constitution, the organic law of 1850 declares they may do so, and be admitted, to use the language of the act of 1850, "*with or without slavery.*" If they should prohibit slavery, they have only exerted a right of which they never can be deprived; and the South will submit, I doubt not, without a murmur.

[Here the hammer fell.]

Mr. MILLSON obtained the floor.

Mr. BOCOCK. I trust the gentleman from Ohio will be allowed to proceed to finish his remarks.

Mr. WINSLOW. I object to any departure from the rules. There are many members of the House who desire to speak on these propositions.

Mr. HATTON. Would it be in order to move to suspend the rules?

The SPEAKER *pro tempore*, ( Mr. ADRAIN temporarily in the chair.) It would.

Mr. MONTGOMERY. I move to suspend the rules, to enable the gentleman to go on.

Mr. VALLANDIGHAM. I hope the rule will be made uniform, and the hour abolished, so long as the debate upon these propositions continues.

The SPEAKER *pro tempore*. The question is on the motion to suspend the rules; which the chair decides to be in order.

Mr. BURNETT. I rise to a point of order. There is already a motion to suspend the rules, made by the gentleman from Pennsylvania (Mr. FLORENCE) on last Monday; and until that motion is determined, I hold no other motion to suspend the rules is in order. Two motions to suspend the rules cannot be before the House at the same time.

The SPEAKER *pro tempore*. The Chair overrules the point of order raised by the gentleman from Kentucky.

Mr. McCLEARNAND. I rise to point of order. The gentleman from Virginia [Mr. MILLSON] has the floor, and no gentleman has the right to take it from him for the purpose of moving a suspension of the rules.

Mr. CLEMENS. My colleague yielded in order that a motion to suspend the rules might be submitted.

The SPEAKER *pro tempore*. If the gentleman from Virginia chooses to do so, he can yield for a motion to suspend the rules.

Mr. McCLEARNAND. Has the gentleman from Virginia yielded?

Mr. CLEMENS. He did.

The SPEAKER *pro tempore*. The Chair will put the question to the gentleman from Virginia. Does the gentleman from Virginia yield the floor for a motion to suspend the rules, in order that the gentleman from Ohio [Mr. CORWIN] may be permitted to finish his remarks.

Mr. MILLSON. I hope that there will be no objection made to the request of the gentleman from Ohio, as the House has lately very often extended the courtesy to members to continue their remarks beyond the hour allotted to them. I understand that he only desires about fifteen minutes more to finish his remarks. That has lately been granted to many gentlemen; and I hope it will be granted to the gentleman from Ohio by unanimous consent.

Mr. VALLANDIGHAM. I concur in the remarks of the gentleman from Virginia, and trust that no objection will come from my side of the House. I object, however, to the decision of the Chair; and if it be insisted on, I will be compelled to take an appeal from it.

The question was taken on the motion to suspend the rules, and it was agreed to; and thereupon Mr. CORWIN was granted leave to conclude his speech.

Mr. CORWIN. I thank the House cordially for the indulgence thus extended to me, and will promise not to abuse it.

Mr. Speaker, I hope the House will bear with me while I explain to them what perhaps may not have been made apparent as yet the present condition of the Territory of New Mexico. We all know that when the organic law for that Territory was enacted by Congress, we were verging to the very condition in which we are unhappily now placed. It was for the purpose of establishing peace among the States of the Union, for the purpose of restoring the harmony and concord of the States, that the law of 1850 was passed, organizing, among others, the Territory of New Mexico. It was enacted by that law that the Territorial Legislature should enact

laws for the government of the Territory, should report them to Congress, and if Congress should disapprove of them, they should be null and void. It follows, from a proper construction of that statute, therefore, that, until both branches of Congress shall disapprove of that law of New Mexico which was enacted in 1859, establishing slavery in that country, slavery will be the condition of New Mexico. This, sir, must remain her condition until, by a vote of the Senate concurring with a vote of the House, that law shall be annulled.

I ask gentlemen, as a matter of fact, what is likely to happen in respect to that Territory? How long will it be before you can command a majority of votes in the Senate? While the States are bound by their allegiance to the Union, and found in their places in that great convocation of sovereign States, how long will it be before you can get a vote which will annul that law of New Mexico? I shall not answer this question. I know that it is subject to be answered variously by minds which entertain various views of the future. Be that as it may, we are bound by a law acted on by a Territorial Legislature in the exercise of the powers given it. It has, under the authority of the Congress of the United States, established slavery in New Mexico, and it exists there this day by a law as powerful as any law which can be made. If that portion of our vacant territory which lies south of  $36^{\circ} 30'$  be, as it certainly is, the only portion of the United States where you wish to establish the institution of slavery, why not, then, take up this territory, form it into a State, and admit it? Then the strife is forever ended. It is inhabited by people who, only a year ago, established slavery there. Let them vote on their organic law, and come into the Union with or without slavery, as the law of 1850 permits. Thus you will remove forever this fearful fire-brand which, if applied to your temple of freedom, will require something more, I fear, than the patriotism and wisdom of the present generation to extinguish. Why not cast from you this apple of discord? This is all the territory of the United States which, you pretend, is adapted to slave labor. It is all we can give you; and it is much more likely that, eight or ten years from this time, it will be less difficult to establish free States than to extend slavery there.

Some have said, some doubtless believe, that the people of that Territory are not sufficiently educated in the principles of free government to carry on a State government. I do not think it quite modest or proper for us at this time to indulge in any harsh criticism on the ability of men anywhere to govern themselves. I am willing to trust the old Mexican and the old Spaniard of that country; and the peon too. Let me say a word about the peon. I myself regarded the system of peonage as a great abuse until I came to inquire into it. I have fully understood it from gentlemen who have administered justice as judges in the courts of New Mexico. I find that it is a voluntary contract entered into by one freeman to work a given length of time for another freeman; and instead of giving damages when the contracting party violates that contract, it is the law of that Territory to enforce the execution of the contract specifically. That is the whole of the system of peonage.

I have no doubt, from the long continuance of that system of labor by contract, that it is very well adapted to the condition of that people; and, under our judicial system, cannot be greatly abused. It is their mode of labor. Instead of giving damages on the contract, when the hired man refuses to perform his part of it, instead of pursuing him with a constable and writs of execution, selling his cow, and starving his children for the want of milk, the court says to the hired man, "Work out honestly; fulfill the letter of your contract; and if this man, for whom you have contracted to labor, and who has advanced money to you for your necessities, or for any other objects, abuses you, the court is open. Come before it, and you will have redress." Does anybody imagine that a peon will be denied redress, when it is remembered that he is a voter in that Territory? I am willing to trust the present people of New Mexico to frame a constitution for State government, and trust the future for all necessary amendment. If they do not know how to do it, they are free to resort to imitation; and, I dare say, if they imitate us, we must be not "so far from having done the best they could to produce a perfect system."

Does any man suppose it is possible to combine all the intellects which make up this Congress, in both branches of it, so that all shall think alike in regard to a constitutional point. We know how varying idiosyncracies give peculiar character to the operations of the mind; we know how inherent selfishness operates upon the weakness of men; but it is enough for us to know that the South does believe that a great political party intends to do it some wrong. Whether there is any possibility of doing it, or any truth in it or not, it is enough to know that the minds of our brethren are disturbed, that their hearts are sad at the prospect, and we ought to submit to them such terms as will forever put it out of the power of that party to do those imputed wrongs. And now let it be understood by our southern brethren that we have constitutional ideas upon this subject, which it is impossible to eradicate from our minds; and that, since we do differ, and that difference is concentrated, so far as this institution of slavery is concerned, upon the Territory of New Mexico, the North generously offers to put that Territory immediately under their control, to be continued or not, as the constitution made by the people shall ordain. Whether it remain there one or five years, or be driven out, is with the people, who are left free to adopt or reject it. And if you should protect slavery there for ten years to come, every year you would find more white population from the free States there than would come from all the slave States. Why? Because it is not a Territory adapted to the system of slavery which exists in the old slave States. But it is the best and only Territory we have to offer. It is all we can give.

And I now ask you, men of the South, why do you want to go there at all? You have not slave labor enough. In no quarter of the globe is there such a demand for labor as there is in the southern section of this Union now for slave labor. Before this present unhappy state of our affairs had reduced the value of everything in the country, a negro, who only a few years ago was worth \$400, was worth from twelve to fifteen hundred, and yet, in the language of one of your eminent men, you declare that you must expand or die. How is it that this delusion has been fastened upon you? The statistics of your country and the price of your negroes should have told you that you have not negroes enough for the cultivation of your soil, and that you will not, in the natural course of increase, have negroes enough for fifty years to come, to work the territory you already possess. How, then, could you occupy New Mexico.

I have been examining with some care into the present condition of the southern country. I have sought information from those who ought to know; I have been advised by gentlemen of the South, and I have regulated my judgment entirely by theirs. In the State of Texas alone there are three hundred million acres of lands. I am informed by a gentleman who has explored that State thoroughly, that one third of that entire quantity of land can be profitably occupied in cultivating cotton. Another gentleman has told me, that not more than one fourth could be so cultivated. I have taken the latter statement as my basis of calculation. That would give seventy-five million acres of land in Texas which can be profitably cultivated with slave labor. How many million negroes have you now? Not quite four millions, counting men, women, and children. Now, I am told by those gentlemen that one good hand in Texas is equal to the production of five bales of cotton. The whole product of cotton in this country now amounts to about four million of bales. Every acre of this land in Texas will produce one bale.

Therefore, if the cotton lands alone of Texas are cultivated by slave labor, they would produce seventy-five million bales of cotton; and that they will do whenever the market of the world demands, and you can get labor enough to produce that amount. Am I mistaken in this? There lies the land open to the sun, spreading out its bosom to you, men of the South, inviting you to come with your slaves, and make these acres white with cotton fields. But where will you get your slave labor from for all this? If seventy-five million bales of cotton be made, with an average of five bales to a hand, you will want fifteen million working hands in Texas to produce them. Now, out of a family of negroes, you will not get, on an average, more than one working hand in three; two out of three being children or the decrepid and aged. So that, for every working hand, you have two others, who are not considered hands. Then, when you shall have, in the ordinary increase of negroes in this country, fifteen million working hands in Texas, you will have forty-five million slaves there. Now you have only four million in all the United States, and yet you think you are ready to suffocate for want of room. You want

cotton fields to work. There they are; but where are the slaves to work them with?

Now, I take it for granted that Georgia, Mississippi, Alabama, Tennessee, and Arkansas, are not occupied as they might be with slavery, and I believe that those five States, if well cultivated, would be equal at least to one-fourth of the unoccupied cotton territory of Texas. Then you would have one hundred million acres of land to be worked by slave labor. Then, supposing that each hand produces five bales of cotton, you will perceive that you will want nearly twenty million working hands, which would give you a negro population of about sixty million, counting men, women, and children. Now you *have only* four million; but you suffocate and choke, and must expand or die; so you say!

If, in these things, I have been mistaken, southern men have been mistaken. In the face of these statistics, can you present to the civilized world—or to the barbarian world—a well-founded necessity for the expansion of slave territory? Look at the eighteen millions white men who occupy the free States, as well as the territory north of  $36^{\circ} 30'$ . There we have eleven persons to a square mile; while you have only nine. But you seem not to care for the suffocation of white men. Territory must be conquered for slavery, when there is a demand for sixty millions of slaves in the country now occupied by you, without going to New Mexico at all. Is it not so? What, then, are we quarreling about? What are we to divide for?

But it is proposed that we shall insert in our proposition to amend the Constitution, that this line of  $36^{\circ} 30'$  shall gird the globe, and that all south of that shall be open to slavery; and by this proposed amendment slavery is fixed there, whether the people you acquire wish it or not. Every one who looks upon the map knows that it means the conquest of Mexico, and all the small Republics in southern America. One of our Mexican acquisitions is now the very accursed cause of our ruin; and yet you covet another. Is not this the very madness of the moon? You have four million negroes now, and you must increase the number to sixty millions before you can want room for slave labor. Fifty years hence you will not be able to supply slaves enough to meet the reasonable demand for slave labor in the present slave States; yet you will ponder and speculate upon your condition as it may possibly be half a century to come; and unless your dreams are accepted as truths *now*, and provision made for you half a century to come, you rush madly on the destruction of yourselves, and not yourselves only, but the final destruction and overthrow of the best Government known among men, and the extinction of the fair & t hope yet presented to the longing hearts of a world.

Mr. Speaker, I shall say nothing more now on the subject before us. I have omitted all reference to several recommendations of the committee. I leave their vindication, if it be wanted, to others. I shall not follow the example of some, who lift the curtain which conceals the quick coming future from us. I have no wish to explore the gloomy prospect they have held up to us. I will not now encounter the grim spectres of despair they present. I will not, I cannot, anticipate that future, and walk forth among the broken arches, the ruined towers, and prostrate columns of this glorious temple of freedom, in which the tribes of the South and the North have so long worshipped in peace and joy and brotherly love. That temple still stands in all its grand proportions; but it stands alone. Wander over all the earth, and you will find no other like it. I will not believe that the blows aimed at it, however numerous or powerful, shall cause it to rock or reel. I will hope, as they who built it prayed and hoped, that it shall stand forever, as it now stands, on its own solid and deep foundations.