SPEECH

OF

HON. JOHN A. DIX, OF NEW YORK,

ON THE BILL TO ESTABLISH

GOVERNMENTS IN THE TERRITORIES.

DELIVERED

IN THE SENATE OF THE UNITED STATES, JULY 26, 1848.

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1848.
The bill to establish Territorial Governments in Oregon, New Mexico, and California, being under consideration—

Mr. DIX said:

Mr. President: It is with great reluctance that I throw myself on the indulgence of the Senate a second time in this discussion. But since I spoke, positions have been taken in the debate, and assertions made, which I cannot pass by without comment; and especially am I unwilling to be silent when the whole subject is presented to us under a new phase by the report of the committee of eight, and brings up a train of considerations, having an important bearing upon the question.

Before I proceed to notice, as I shall very briefly, the provisions of the bill reported by the committee, I desire to say something on other topics which have been introduced into the discussion.

The northern States have been repeatedly charged in this debate, and on many previous occasions, with aggression, and violations of the constitutional compact, in their action on the subject of slavery. With regard to the surrender of fugitive slaves—the case most frequently cited—it is possible that there may have been some action, or inaction, in particular States, not in strict accordance with the good faith they ought to observe in this respect. I know not how it is; but we know there is an effective power to legislate on this subject in Congress; and I am sure there will be no want of cooperation on our part, in carrying out the requirements of the Constitution, by providing all reasonable means for executing them.

The Senator from South Carolina, [Mr. Butler,] in the remarks he addressed to the Senate yesterday, made repeated allusions to me in connection with the suggestion of a superior civilization in the non-slaveholding States. I have made no such suggestion. I have drawn no parallel. I have made no distinction, in this respect, between the North and the South. And in the case to which he particularly referred, and in which I spoke of "spires pointing to the skies," in language perhaps somewhat more flowery than I am accustomed to use, I expressly said that I made no distinction between the two great sections of the Union.

But this is a matter on which I shall not dwell. I am but an individual; and a misapprehension which concerns only myself, is comparatively of little importance. But when the Senator, turning from me, assails the State I have the honor to represent; when the misconception does injustice to those who have given me their confidence, he wounds me in a more tender point, and I cannot pass his remarks by without a more extended notice.

Mr. President, I endeavored to get the floor yesterday when the Senator took his seat, and I made repeated attempts afterwards, in all of which I was unsuccessful. I wished to notice, at the moment and on the spot, the imputations which he had cast on the State of New York, in language I regretted to hear from any Senator on this floor. He said a requisition had been made, some years ago, on the Governor of the State by the Executive of Virginia, for the surrender of persons convicted of stealing a slave within the jurisdiction of the latter State; that the Governor had refused to surrender them, and that this refusal had been sustained by both branches of the Legislature; and on this statement, he charged New York with a want of "common honesty." Sir, these are harsh epithets—epithets which should not have been applied to us without a full knowledge of the facts. The Senator labors under a great misapprehension. The responsibility, which he charged on the State, rests upon the Governor alone. The facts are these:

In 1841 a requisition was made by the Executive of Virginia on the Governor of New York, for three persons, charged with stealing a slave in the former State. The Governor refused to surrender them, for the reason assigned in the following resolution, which was adopted by both branches of the Legislature of New York early in 1842:

"Whereas the Governor of the State has refused to deliver up, on the demand of the Executive authority of Virginia, Peter Johnson, Edward Smith, and Isaac Gausey, alleged fugitives from justice, charged with the crime of theft, viz.: stealing a slave within the jurisdiction and against the laws of Virginia: and whereas the Governor has assigned, as the reason for such refusal, that the stealing of a slave within the jurisdiction of and against the laws of Virginia, is not a felony or other crime within the meaning of the second section of the fourth article of the Constitution of the United States:

Resolved, That, in the opinion of this Legislature, stealing a slave within the jurisdiction and against the laws of Virginia, is a crime within the meaning of the second section of the fourth article of the Constitution of the United States.

Resolved, That the Governor be requested to transmit the foregoing preamble and resolution to the Executive Department of Virginia."
These resolutions, as I have said, passed both branches of the Legislature. I am unable to state the vote but I was then a member of the Assembly, and I remember that it passed that body by a very decided majority.

Thus it seems that the Legislature of New York, in both its branches, representing the people of the State in a double capacity—for the Senate was at that time the High Court for the Correction of Errors—the highest judicial tribunal in the State—disclaimed and condemned the act of the Governor, and left the responsibility to rest on him alone. Beyond this it could not go. The act to be performed was Executive, and the Legislature had no control over him to command the performance.

But the Senator did not stop here. His speech was replete with reproachful allusions to New York, too indefinite to be met with a distinct reply; and he concluded by saying that he expected nothing good from her. Sir, there have been periods, in the history of the country, when she was neither inactive nor inefficient in her efforts for the public good. In 1837, when the whole banking system throughout the Union exploded; when the President of the Bank of the United States was putting forth manifestoes and employing the whole strength of that institution to continue the suspension of specie payments and to prevent a panic, I believe I may say, most other portions of the Union were disposed to yield—New York stood almost alone in opposing it. She compelled her own banks to resume the discharge of their obligations under the penalty of a forfeiture of their charters: she became the centre of all that was sound in commerce and finance; and through the influence and the power of her example, the country was saved from years of dishonor and pecuniary embarrassment.

In 1814, when the whole southern coast was at the mercy of the public enemy, and portions of it ravaged and laid waste; when the Administration here was too weak to defend the capital; and when the very edifice in which we sit was given to the flames by British vandalism, New York stood again almost alone and unassisted, and carried on the contest upon her own frontier chiefly with her own means. She raised money and men, and mightily sustained the honor of our arms in a series of the most desperate engagements ever fought on this continent.

Of her institutions, social and political, I need say nothing—the monuments she has reared to science, and to the arts, her great artificial channels of intercourse, and above all, her system of common school education, embracing every child that is born or is brought within her limits. These are well known to all who hear me; and they say for her more than any words of mine can speak.

Less than a year ago two noble-spirited bands stood, side by side, on one of the bloodiest battle-fields of Mexico. They were led on by chivalrous men, animated by the single resolution of upholding their country’s honor and their own. They were the New York and the Palmetto regiments. The blows they gave fell upon the ranks of the enemy with equal force; those they received were sustained with equal firmness. More than a third of these gallant combatants fell together. The grass, which has grown up rich and rank upon that battle-field, can tell where their blood was poured out in common streams. The noble leader of the Palmetto regiment was among the slain*—borne from the field of carnage, perhaps, by the united hands of those whom he led, and those who, though coming from a distant part of the Union, fought by his side with the same devotion as his own followers. Sir, there should be something in these sacred memories to disarm reproaches, at least of its injustice. Let me commend them to the calm reflection of the Senator from South Carolina, who has so deep an interest in the glory and the grief of that battle-field. He is neither ungenerous nor unjust. Let me ask him to think of these things, and say whether some good may not come from New York.

But I pass to a charge more immediately connected with the subject under discussion—the application of the principles of the ordinance of 1787 to the Territories of the United States. This charge concerns the whole North; and I am ready to meet it.

In 1846 and 1847, most of the non-slaveholding States, on high considerations of moral and political principle, declared, that no new territory ought to be acquired without a fundamental provision excluding slavery. These declarations had an express and an exclusive reference to acquisitions from Mexico, where slavery had long been abolished, both by executive and constitutional acts. They wanted practically to declarations against the extension of slavery to free territory, and no more. New York did not take the lead in these declarations. The first legislative resolutions received here came from the State of Vermont, and were presented to this body on the 28th January, 1847. The New York resolutions were presented on the 6th February ensuing; those of Pennsylvania on the 8th; of Rhode Island, on the 10th; of Ohio, on the 16th; of New Hampshire and New Jersey, on the 19th; of Michigan, on the 1st of March; and of Massachusetts, on the 3d—the last day of the session. Connecticut passed resolutions on the 24th of June; but Congress had then adjourned, and they were presented at the commencement of the subsequent session. Delaware, a slaveholding State, followed, and requested her Senators to vote for the exclusion of slavery from territory thereafter to be acquired. Here are eleven States which have passed resolutions on this question. It was a spontaneous movement on the part of the non-slaveholding States, neither led on by New York nor set on foot by her, but arising out of indications in Congress of an intention to acquire territory from Mexico, and leave it open to the introduction of slaves; and every one knows they will be carried wherever they are permitted.

On looking at the dates of these several resolutions, I find New Hampshire, Vermont, Rhode Island, and Pennsylvania, preceded New York, in the order in which I name them, in acting on this subject in their respective Legislatures. Three of the small New England States, which the Senator from Virginia, who spoke first on this question, [Mr. Massey] would have us believe New York was seeking to seduce, and in the end to swallow up, were actually the pioneers in this movement. Pennsylvania was next in the field. New York did

* Colonel Butler here alluded to was the brother of the Senator to whom Mr. Dig was replying.
but follow and sustain them in their declarations against the extension of slavery to territory in which it does not exist.

Such is the history of this movement, commencing as far back as July, 1846; almost coeval with the war with Mexico, and originating in a charge of intending to conquer territory for the purpose of planting slavery upon it. And these public declarations may perhaps be properly regarded in a two-fold light, so far as motive, on the part of the Legislatures, is concerned: first, to exonerate themselves from the imputation; and, second, to array their influence against such a design, if it should be entertained in any quarter.

Let me now take a somewhat larger view of this whole subject of northern aggression. It was said, I think, by a southern member of the Federal Convention, though it may have been in Congress after the adoption of the Constitution, that no slaveholding State would thereafter be admitted into the Union; that there were eight States interested in abolishing slavery, and five interested in maintaining it, and that they would act accordingly in voting for the admission of new States. This prophecy had no foundation in truth. The members of Congress from the North have voted as freely and readily for the admission of slaveholding as for non-slaveholding States into the Union. If we look around us upon this floor, we shall find all prejudices founded upon the supposed prejudices or the unkind feeling of the North utterly falsified. Sir, there are ten Senators here representing slaveholding States formed from territory acquired since the Constitution was adopted.

How many are there representing free States formed from new territory? Not a single one! But for a domestic difficulty in Iowa, it is true, that State would have been represented here, and we should then have had two Senators from free States against ten from slaveholding States formed out of territory purchased by the common treasure and maintained by the common blood of the whole Union. We have given up the territory constituting these States to the South. We have reserved no portion of them to northern emigration, excepting the misshapen strip of Texas north of 30° 30', which, so far as extent and productive value are concerned, is, for all purposes of a fair and equitable division, the merest mockery. The area of these five States is equal to two-thirds of the entire area of the thirteen original States. This the North has done for the maintenance of slavery—sir, I might say for the extension of slavery and the multiplication of slaves; for this vast surface was almost uninhabited when it was acquired, and it is now filled up with a slaveholding population. There are more than half a million of slaves in these five States, not one-tenth part of whom would have been there, if the right to exclude them had been insisted on. But we have stood on the ground of non-interference. Where have we found slavery, we have left it. We have not contended for any measure of abolition or emancipation.

On the contrary, we have uniformly opposed all interference with slavery in the States. With the single exception of the Louisiana territory, we have left it to spread itself over the areas on which it existed only nominally. We have almost gone, at the North, to the extreme of mobbing abolitionism, when it contemplated interference with the question of slavery in the States, and of instituting a scrutiny of the public mails to arrest the circulation of incendiary publications. And now, after all this active cooperation in the promotion of the objects and interests of the slaveholding States, how are we met? By charges of aggression, of hostility, and of violating the constitutional compact.

Sir, we stand firmly upon the compromises of the Constitution. We have not done so. We shall continue to do so. We have gone farther. We have opposed all interference by Congress with slavery in the District of Columbia, over which Congress is empowered by the Constitution to "exercise exclusive legislation in all cases whatsoever." Beyond this we cannot go. I deny that any compromise in framing the Constitution, or any guarantee arising under its provisions, extends, or was designed to extend, to the regulation of slavery in the Territories. What were the compromises of the Constitution? They were three: 1. That the small States should be equally represented in the Senate with the large States; 2. That the slave population in the States should constitute a part of the basis of representation in Congress; 3. That the importation of slaves into the States should not be prohibited prior to 1808. These were the three great compromises on which the adoption of the Constitution may be considered as having turned. In settling them, some reference was naturally had to the distribution and regulation of the powers vested in the Federal Government and reserved to the States and the people respectively.

Now, sir, what was the security sought for by the South in the adoption of these compromises? Was it that Congress should impose no restriction on the extension of slavery to the Territories? No, sir. That power I have no doubt was left, so far as it was contemplated at all, to be exercised by Congress, according to its own views of humanity and justice. I humbly think this construction sustained by what I said on a former occasion. It is known also by the deed of the cession by North Carolina of western territory now constituting the State of Tennessee, in which it was provided, "that no regulations made, or to be made, by Congress shall tend to emancipate slaves"—a prohibition implying a right to regulate, restrict, and exclude them.

The Senator from Florida [Mr. Westcott] read to the Senate yesterday the fac simile of an original paper found among the manuscripts of Mr. Monroe, and in his handwriting, by which it appears, that when the Missouri compromise act, as it is called, was passed, he took the opinions of the members of his Cabinet, in writing, in respect to the constitutionality of that act. The Senator from South Carolina [Mr. Calhoun] was one of the Cabinet; and as I took, and endeavored to sustain, on a late occasion, the position that Congress possesses the right to prohibit slavery in the Territories of the United States, I am naturally desirous of fortifying it with all the authority I can command; and I shall be particularly gratified, if it shall be found that the distinguished Senator alluded to, though now denying the right, was then in favor of it. I will read to the Senate all of this paper which relates to the subject:
From Mr. Monroe's manuscripts.—A paper endorsed "Interrogatories, Missouri—March 4, 1829, To the Heads of Departments and Attorney General." Questions, (on opposite page)

Has Congress a right, under the power vested in it by the Constitution, to make a regulation prohibiting slavery in a Territory?

Is the eighth section of the act which passed both Houses on the 3d instant, for the admission of Missouri into the Union, consistent with the Constitution?

With the above is the original draft of the following letter, in President Monroe's handwriting, on half a sheet of paper, but not endorsed or addressed to any one. There are interlinations, but the text, as left by the writer, is as follows:

DEAR SIR: The question which late agitation Congress and the public has been settled, may be thus stated: by the passage of an act for the admission of Missouri as a State, unrestrained, and Arkansas likewise, when it reaches maturity, and the establishment of the 36° 30' north latitude as a line, north of which slavery is prohibited, and permitted to the south. I took the opinion, in writing, of the Administration as to the constitutionality of restraining Territories, and the vote of every member was unanimous and which was in favor of it, and as it was that the 9th section of the act was applicable to Territories only, and not to States when they should be admitted into the Union. On this last point I had at first some doubt; but the opinion of others, whose opinions were entitled to weight with me, supported by the evidence in which it was viewed by all who voted on the subject in Congress, as will appear by the Journals, satisfied me respecting it.

This letter has been supposed to have been written to General Jackson, though there is no evidence of the fact.

Mr. FOOTE. Were these interrogatories sent or was it merely a statement for his own private convenience?

Mr. DIX. It is impossible to say, except so far as the paper may be considered as indicating the use made of them. I state the facts as they have been related to me. The paper was found among Mr. Monroe's manuscripts, and is in his handwriting. It was read to the Senate yesterday by the Senator from Florida, [Mr. Westcott] for another purpose, and the evidence of its authenticity I understand to be in his possession.

Mr. CALHOUN. If the Senate will give way, it will be perhaps better that I make a statement at once respecting this subject, as far as my recollection will serve me. During the whole period of Mr. Monroe's administration, I remember no occasion on which the members of his Administration gave written opinions. I have an impression—though not a very distinct one—that on one occasion they were required to give written opinions; but for some reason, not now recollected, the request was not carried into effect. He was decidedly opposed to the imposition of any restraint on the Administration in this respect, and I am strongly of the impression that he was opposed in feeling to what was called the Missouri compromise.

Mr. JOHNSON, of Maryland. Is this the original letter?

Mr. DIX. I understand it to be a facsimile of the original. As a long period (nearly thirty years) has elapsed since the act to admit Missouri into the Union was passed, it is quite natural that the Senator from South Carolina should have forgotten the circumstances attending the discussion of it in the Cabinet. Having heard, some days ago, of the existence of such a paper, and being very desirous of ascertaining the facts, I wrote to Mr. Charles F. Adams, of Boston, a son of the late ex-President, inquiring of him if his father's diary contained anything on the subject. In reply to my inquiry, I received an extract from the diary of the father, certified by the son, which I will now read, and which confirms fully the statement contained in Mr. Monroe's letter:

Extracts from the Diary of J. Q. Adams.

March 5, 1829—When I came this day to my office, I found there a note requesting me to call at one o'clock at the President's House. It was then one, and I immediately went over. He expected that the two bills, for the admission of Missouri, should be presented to him. Both of the Congresses had been brought to him for his signature; and he had summoned all the members of the Administration to ask their opinions in writing, to be deposited in the Department of State, upon two questions: 1. Whether Congress had a constitutional right to prohibit slavery in a Territory? and 2. Whether the 9th section of the Missouri bill (which interdicts slavery forever in the territorial north of 36° 30') was applicable only to the territorial state, or would extend to it after it should become a State? As to the first question, it was unanimously agreed that Congress have the power to prohibit slavery in the Territories.

This is the first extract; and before I proceed to the others, I will state that, in respect to the second question, there was a diversity of opinion—Mr. Adams contending that a State would be bound by such a prohibition after its admission into the Union, and the other members of the Cabinet, that it was only operative during the territorial term. In order to secure unanimity in the answers, the second question was modified, as will appear by the remaining extracts which I proceed to give.

March 5.—The President sent me yesterday the two manuscript bills, which had been written for him in writing, to be deposited in the Department of State. He wrote me that it would be in time, if he should have the answers to-morrow. The first question is in general terms, as it was stated at the meeting on Friday. The second was modified to an inquiry whether the 9th section of the Missouri bill is consistent with the Constitution. To this I can without hesitation answer by a simple affirmative, and so after some reflection I concluded to answer both.

March 6. * * * I took to the President's my answers to his two constitutional questions, and he desired me to have them deposited in the Department, together with those of the other members of the Administration. They differed only as they assigned their reason for thinking the 9th section of the Missouri bill inconsistent with the Constitution, because they considered it as only applying to the territorial term; and I have given my opinion, without assigning for it any explanatory reason. The President signed the Missouri bill this morning.

These extracts are certified to be a true copy from the original by me,

"Charles Francis Adams."

Mr. CALHOUN. Has any search been made in the State Department for these written opinions?

Mr. DIX. The State Department has been examined—how thoroughly I do not know—but they have not been found.

Mr. WESTCOTT. I made an examination, as I stated yesterday, myself, but could find none. This letter is in Mr. Monroe's handwriting, and from its tenor is supposed to have been intended to be addressed to General Jackson. I understand that upon examination of General Jackson's papers, a letter was found from Mr. Monroe, containing every thing which is contained in this draught, except that part which relates to the action of the Cabinet. The letter was also dated the same day. I presume, therefore, that upon writing the letter to General Jackson, ultimately, unless it was in—
tended for some one else, Mr. Monroe left out that portion relating to the action of the Cabinet in relation to the "Missouri compromise."

Mr. DIX. I have examined the letter referred to, as addressed to General Jackson, and find that it was written in 1821, while the paper containing the interrogatories was dated the 4th of March, 1820; and the former has only two of the last paragraphs of the letter before us; all the rest being different.

Mr. CALHOUN. If any written opinion was ever given by me, it has entirely escaped my memory; and I feel satisfied, if ever given, it was very little more than an assent or dissent to the course adopted by the Administration. Mr. Adams had the advantage of keeping a diary, which no doubt may be relied upon, as far as he is individually concerned; but which, of course, is liable to mistakes, as far as it represents the views and acts of others. In this case there may be some explanation, if all the facts were known, which would reconcile his statement with my recollection. But of one thing I feel perfectly sure, that I could never have directed my attention to so important a subject, as a member of his Cabinet, and entered it into writing, for the purpose of being preserved, without recollecting it.

Mr. JOHNSON, of Maryland, was understood to say, that on examining the letter, he did not think it sustained the fact the Senator from New York was endeavoring to prove. He observed that Mr. Monroe had first stated that the opinion of the Administration was unanimous, and that he had erased the word unanimous, and substituted the word explicit, which had quite a different meaning.

Mr. CALHOUN. I feel justified in saying, from all the circumstances of this case, including the facts stated by the Senator from Maryland, and the absence of any written opinion on the file of the State Department, that notwithstanding the certificate from Mr. Adams's diary, no such opinions were given as it states. There is some mistake about it, but how it originated I am at a loss to conceive. Perhaps it may be explained by the vague impression, as I have stated, on my mind, that the opinions were called for, but never formally given in writing, at least not beyond a mere assent or dissent as to the course ultimately adopted. I know well all about the compromise; the cause which led to it, and the reason why, that the Northern men who voted against it were universally sacrificed for so doing. It is quite a mistake, as some suppose, that they were sacrificed for voting for the compromise. The very reverse is the case. The cause I will proceed to state: During the session of the compromise, Mr. Lowndes and myself resided together. He was a member of the House of Representatives, and I was Secretary of War. We both felt the magnitude of the subject. Missouri, at the preceding session, had presented herself for admission as a member of the Union. She had formed a constitution and government, in accordance with an act of Congress. Her admission was refused on the ground that her constitution admitted of slavery; and she was remanded back to have the objectionable provision expunged. She refused to comply with the requisition, and at the next session again knocked at the door of Congress for admission, with her constitution as it originally stood. This gave rise to one of the most agitating discussions that ever occurred in Congress. The subject was one of repeated conversation between Mr. Lowndes and myself. The question was, what was to be done, and what would be the consequence if she was not admitted? After full reflection, we both agreed that Missouri was a State made so by a regular process of law, and never could be remanded back to the territorial condition. Such being the case, we also agreed that the only question was, whether she should be a State in or out of the Union? and it was for Congress to decide which position she should occupy. My friend made one of his able and lucid speeches on the occasion; but whether it has been preserved or not, I am not able to say. It carried conviction to the minds of all, and in fact settled the question. The question was narrowed down to a single point. All saw that if Missouri was not admitted, she would remain an independent State on the west bank of the Mississippi, and would become the nucleus of a new confederation of States extending over the whole of Louisiana. None were willing to contribute to such a result; and the only question that remained with the Northern members who had opposed her admission, was to devise some means of escaping from the awkward dilemma in which they found themselves. To back out or compromise, were the only alternatives left; and the latter was eagerly seized to avoid the disgrace of the former—so eagerly, that all who opposed it at the North were considered traitors to that section of the Union, and sacrificed for their votes.

Mr. FOOTE. The gentleman referred to, and from whose journal an extract had been read, as is well known, has been always regarded as a most violent partisan of the peculiar views he held in relation to this subject. I beg leave most respectfully to inquire of the honorable Senator from New York, whether this statement or extract read has been sworn to or not?

Mr. DIX. The statement was, as I have said, taken from the diary of Mr. Adams, certified, but not sworn to, by his son, a gentleman of the highest respectability.

I do not intend to enter into any discussion concerning the Missouri compromise, or the testimony I have presented. I leave it to speak for itself, and to others to say how far it shall be considered to outweigh the recollections of the Senator from South Carolina. I will only add, that there is the strongest possible coincidence between Mr. Monroe's letter and Mr. Adams's diary in all the important facts. Both state the questions to have been "in writing," both state that they were submitted in the shape in which they were to be answered, on the 4th of March, 1820. The identity of the questions is another striking coincidence. The only material variation is that suggested by the Senator from Maryland. Mr. Adams states, that the opinion of the members of the Cabinet was "unanimous" in favor of the power of Congress to prohibit slavery in the Territories of the United States. Mr. Monroe wrote "unanimous" in the first instance, and then substituted "explicit"—an alteration he might very naturally have made, on reflection, in writing to a friend, in order to avoid giving a clue to the opinions of individual members of his Administration. The alterations were very brief, as Mr. Adams shows; but from the manner in which the questions were drawn,
the answers, whether affirmative or negative, must either have asserted or denied the constitutional power of Congress to prohibit slavery in the Territories. But all this I am willing to submit to the candid judgment of others.

Let me now cite a few of the remarks made in the Federal Convention on the subject of slavery and slave representation. On the 12th of July, Mr. Randolph, of Virginia, said, "That express security ought to be provided for including slaves in the ratio of representation. He lamented that such a species of property existed; but as it did exist, the holders of it would require this security. It was perceived that the design was entertained by some of excluding slaves altogether; the Legislature, therefore, ought not to be left at liberty."

In the convention of Virginia, by which the Constitution was ratified, Governor Randolph entered into an elaborate argument to show that Congress had not the right to abolish slavery in the States. It was feared that under the power of prohibiting the slave trade, or under the power to regulate commerce, or under some implied power, slavery within the limits of the States might be interfered with by Congress.

On the 15th of July, Mr. Butler, of South Carolina, said: "The security the southern States want is, that their negroes may not be taken from them, which some gentlemen within or without doors have a very good mind to do."

This was the tenor of the discussions in the State conventions by which the Constitution was ratified. They looked to security from abolition or emancipation by Congress within their own limits. Extension of slavery beyond their limits was hardly thought of; and I have no hesitation in saying, from the tone of the debates, that if it had been fully discussed, it would have been branded with general disapprobation.

On the 22d of August, a very full and interesting debate arose in the Federal Convention on the question of prohibiting the importation of slaves. The only objects contended for in any quarter were, the right to import them, and an exemption of the States from all interference with slavery within their own limits. It was the part of the Federal Government. It was generally conceded, except by the extreme South, that slavery would ultimately be abolished. And yet the slave population has gone on steadily increasing, from 600,000 to 3,000,000 of souls; and now we are engaged in a struggle to enlarge the area of slavery, or to prevent its exclusion from territory in which it does not exist.

Mr. CALHOUN. I must beg the Senator from New York to state me more correctly. We are not contending for the extension of the area of slavery, and if he places us upon that ground, he places us in a very false position. What we do contend for is, that the southern States, as members of the Union, are entitled to equal rights and equal dignity, in every respect, with the northern; and that there is nothing in the Constitution to deprive us of this equality, in consequence of being slaveholders.

Mr. DIX. The Senator contends for the right of carrying slaves into the Territories. I understand this to be an extension of slavery, and, with all deference to him, I can call it by no other name. In connection with this subject, we were asked by the Senator from Virginia, whether any one believes that State would ever have come into the Union, if the right to exclude slaves from the Territories had been insisted on? I answer, yes; and on the strength of the known opinions of her delegates in the Convention.

Mr. Madison would not consent "to admit in the Constitution the idea that there could be property in men." He was unwilling to postulate the prohibition of the slave trade twenty years. "So long a term," he added, "will be more dishonorable to the American character than to say nothing about it in the Constitution." His language and his action then, and on all occasions, were in favor of the restriction of slavery, and not in favor of its extension. The opinion of General Washington, the President of the Convention, on the subject of slavery, is well known. I have already referred to the opinion of Mr. Randolph. Colonel Mason was still more decided and explicit. His language may be quoted now with the more effect, when those who have come after him differ with him so widely in opinion:

"This infernal traffic originated in the avenues of British merchants. The British Government constantly checked the efforts of Virginia to put a stop to it. The present question concerns not the importing States alone, but the whole Union. The evil of having slaves was experienced during the late war, and, if the people of the North had not been by the enemy, they would have proved dangerous instruments in their hands; but their folly dealt by the slaves as it did by the Tories. * * * Maryland and Virginia (he said) had already prohibited the importation of slaves expressly: North Carolina had done the same in substance. All this would be in vain, if South Carolina and Georgia be at liberty to import. The western people are already calling out for slaves for their new lands, and will fill that country with slaves, if they can be got through South Carolina and Georgia. Slavery discourages arts and manufactures. The poor despair labor, when performed by slaves: they prevent the emigration of whites who really enrich and strengthen a country. * * * * * As to the States being in possession of the right to import, this was the case with many other rights now to be properly given up. He held it essential, in every point of view, that the General Government should have power to prevent the increase of slavery."

To this declaration in the Federal Convention, I might add, that in the convention of Virginia, he alleged, as one of the objections to the Constitution, that it continued the slave trade for twenty-two years.

The Senator from Virginia wears, with equal dignity and grace, the name of the illustrious statesmen I have quoted. It is quite probable that there is a closer bond of connection between them. But how different is their language, and the causes they have espoused, at the distance of more than half a century from each other! The patriot of the Revolution denounced the British Government for forcing slaves upon Virginia against her remonstrances. The Senator from that State is contending here, in her name, for the right to carry slaves into Oregon, against the wishes and prohibitions of the inhabitants.

But to return from this digression. The four distinguished individuals I have named constituted a majority of the delegation from Virginia, and I believe I am authorized, from their avowed opinions, to say, that if there had been a positive provision in the Constitution authorizing Congress to prohibit the introduction of slaves into Territories thereafter to be acquired, it would not only not

* Mr. Dix subsequently ascertained that the Senator was a grandson of Colonel Mason.
have been deemed an impediment to the accession of Virginia to the Union, but that it would have met their decided approbation. But in this case, as in many others, the framers of the Constitution fell far short of the reality, when they looked forward to the future progress of the country. The period in which the livid was enveloped in uncertainty and doubt, and it was only reserved to a few of the more sanguine to obtain some partial glimpses of the prosperity and fame to which their country was destined. It was the very limited foreknowledge of her growth and extension, which left so many of the exigencies we have met unprovided for by direct and positive regulation.

Mr. President, it was chiefly in the school of Virginia that the little knowledge I possess of the theory of our institutions, and of the principles of political liberty and justice, was acquired. I have been accustomed to regard Mr. Jefferson as a standard, to which we might safely refer for the settlement of most questions of political power and duty: and it is with something more than ordinary pain and regret that I have seen his principles assailed, and some of his acts rejected and condemned.

I was not a little surprised, too, to hear the Senator from Virginia rest the legal justification of slavery upon the right of conquest, and its introduction into that State during her colonial dependence on the common law of England. I had supposed that Blackstone had furnished sufficient evidence of the mistaken pretensions which had been set up on both these foundations to support the fabric of slavery in the American colonies and their successors, the States. I hold in my hand a volume of the English commentator, edited by St. George Tucker, who was a professor of law in the University of William and Mary, and one of the judges of the General Court of Virginia. To this volume is appended an article or tract written by him, "On the state of Slavery in Virginia." Sir, it is in this edition of the writings of the great English commentator that many of us of the North have studied the principles of English titles and from the tracts, which are appended to the several volumes, that we have learned to consider Virginia as the great enemy of slavery extension. I propose to read a few extracts from this volume, to show how widely different are the grounds now assumed and those on which the young men of Virginia, and of the country generally, were instructed, half a century ago, in the principles of political liberty and justice.

And, first, as to the origin of slavery. Judge Tucker quotes largely from Blackstone, denying that slavery rests either upon the law of nations, by which, according to Justinian, "one man is made subject to another contrary to nature," or upon captivity or conquest, or upon the civil law, by which a man may suffer himself to be sold "for the sake of sharing the price given for him." He then proceeds:

"Thus, by the most clear, manly, and dispassionate reasoning, does Blackstone refute the notion of every claim to the practice of slavery, or by which it has been supposed to be justified, at least in modern times. But were we even to admit, that a captive taken in a just war might be considered as reduced to a state of slavery, this could not justify the claim of Europeans to reduce the natives of Africa to that state. It is a melancholy, though well-known fact, that in order to furnish supplies of those unhappy people for the purposes of the slave trade, the Europeans have constantly, by the most insidious (I had almost said infernal) arts, fomented a kind of perpetual warfare among the ignorant and miserable people of Africa; and in several parts of that continent wanted for slaves, in order to meet the demands of the Government, have been resorted to. That such horrid practices have been sanctioned by civilized nations; that a nation admitted in the cause of slavery, and enjoyed its blessings to the fullest extent, can continue to vindicate a right established upon such a foundation; that a people who have declared, "That all men are by nature equally free and independent," and have made it the basis of the foundation of the Government of their country, should, in defiance of an sacred truth, recognized by themselves in so solemn a manner, and on so important an occasion, tolerate a practice incompatible with these principles, is an evidence of the weakness and inconsistency of human nature, as every man who has a spark of patriotic fire in his bosom, must wish to see removed from his own country. If ever there was a cause, if ever an occasion of a heart being torn, the honor and dignity of a nation, the nerves strained, and every power exerted, surely the restoration of human nature to its inalienable right, is such. Whatever obstacles, therefore, may liethero have retarded the attempt, he that can appreciate the honor and happiness of his country, will think it time that we should attempt to surmount them."

Such, according to Judge Tucker, is the foundation on which slavery in Virginia and in the other States rests—not on conquest, not on any right derived from legitimate warfare, but on violence and treachery. I do not cite this authority to create prejudice of any sort. My only purpose is to make arguments on the other side.

The common law of England utterly repudiated slavery. To use the language of one of her great commentators, "the law of England abhors, and will not endure the existence of, slavery within this nation." In the colonies it was introduced by virtue of the prerogative of the Crown, as the fountain of chartered rights, and as the arbiter of commerce. Nothing, I believe, is better settled in English law than this. Slavery was at one time, it is true, regulated by act of Parliament, rather by recognizing the laws of the colonies than by original legislation; but the common law always rejected it as unnatural and unjust. Virginia uniformly acted in accordance with the elevated sentiments expressed by Judge Tucker. She imposed duties on slaves brought within her limits as early as 1690. One hundred and fifty years ago, as the Seitenet notices, she laid a tax of 10 per cent, on all slaves imported from Maryland, North Carolina, or other places in America. In 1779, she petitioned the King of England to allow her to prohibit the importation of slaves from Africa. I quote from the petition:

"The importation of slaves into the colonies from the coast of Africa, hath long been considered as a trade of great inhumanity, and under its present encouragement, we have too much reason to fear will endanger the very existence of your Majesty's American dominions."

"We are sensible that some of your Majesty's subjects of Great Britain may reap emoluments from this sort of traffic; and when we consider that in the dominions of the colonies with more useful inhabitants, and may, in time, have the most destructive influence, we presume to hope, that the interest of a few will be disregarded, when placed in competition with the security and happiness of such numbers of your Majesty's dutiful and loyal subjects."

"Deeply impressed with these sentiments, we most humbly beseech your Majesty to remove all those restraints on your Majesty's Governors of this colony, which inhibit their assenting to such laws as might check so very pernicious a commerce."

Judge Tucker says:

"This petition produced no effect, as appears from the first clause of our Constitution, where, among acts of misrule, "the inhuman use of the royal negative," in refusing us per-
mission to exclude slaves from us by law, is enumerated among the reasons for separating from Great Britain.

The clause in the constitution of Virginia is in these words:

"Whereas, George the Third, King of Great Britain and Ireland, has persisted in the exercise of the kingly office in this Government, hath endeavored to pervade the same into a destitute and insupportable tyranny, putting his negative on laws the most wholesome and necessary for the public good;" [Here follows an enumeration of other acts] by prompting our negroes to rise in arms against us—those very negroes whom, by an inhuman use of his negative, he hath refused us permission to exclude from the land.

Judge Tucker adds:

"The wishes of the people of this colony were not sufficient to counterbalance the interest of the English merchants trading to Africa, and it is probable, that however disposed to put a stop to so infamous a traffic by law, we should never have been able to effect it, so long as we must have continued dependent on the British Government; an object sufficient of itself to justify revolution."

And now, sir, I ask, Will Virginia insist on extending to other communities an evil which she deplored, and thus be guilty of an act which she considered, when done by the British King, as a sufficient justification of revolution—an act enumerated in the first clause of her constitution among the reasons for separating from Great Britain? Mr. Jefferson, as we all know, introduced into the original draught of the Declaration of Independence a clause reprobating the conduct of the British King in forcing slaves upon the American colonies; but he was struck out, to use his own language, "in compliance to South Carolina and Georgia, who had never attempted to restrain the importation of slaves, and who, on the contrary, still wished to continue it." Sir, are we willing to do towards other communities dependent on us what we condemned in the British King?—what we relied on as one of the grounds of our justification in appealing to the sword for a vindication of our rights and the assertion of our independence? What matters it to the inhabitants of Oregon, or New Mexico, or California, whether slaves are introduced from Africa or from the States of the Union in which they are bred? Sir, let us abstain from this injustice and wrong. If we insist on carrying slaves to those Territories; if the arm of the public authority is employed, directly or indirectly, for the purpose of placing them there, and in uprooting, in two of the Territories, the fundamental law of Mexico, which declares slavery to be forever prohibited,—it would not be surprising if, in the progress of events, when those distant communities shall have grown to manhood, that they, like us, should declare themselves "free and independent," and among the causes of the separation, charge us, as we charged the British King, with forcing slavery upon them, against their wishes and their remonstrances. If this was a just cause of separation for us, why would it not be so for them? God forbid that history should record such a passage as this, to confound and shame our descendants!

It has been said, that this territory should be divided, so that a portion of it may be left open to the introduction of slaves; that it has been acquired by the common treasury and the common blood of the whole Union, and that it would be unjust to exclude a portion of the citizens of the Union from it.

In the first place, I do not admit that there would be any exclusion if slavery were prohibited. It would be open to every freeman in the community. But even on the score of an equitable division—if the propriety of such a division could be admitted, when the question is, whether laws abolishing slavery shall be abrogated—I hold that the territory should, as it now is, free. When Florida was acquired, we did not ask that any portion of it should be set apart for immigration in the free States. We claimed no division. We gave it all up to the South. And yet it was purchased by the common blood and the common treasure of the whole Union. The soil of Florida has been crammed by the blood, and whitened by the bones of northern men sacrificed in the wars waged to secure it. Including the price paid for it, it has drawn forty millions of dollars from the public treasury, to be reimbursed, for the most part, by the toil and contributions of the North. What have we received in return on this principle of an equitable division? Nothing; nothing.

It is the same with Texas. It is true, the Missouri compromise line was drawn across the States, leaving to the north of it a strip, narrow, misshapen, barren, and broken, for northern immigration. For all purposes of an equitable division, it would have been a deception, if it had been pretended. Why, sir, this very war, which has just terminated, grew out of the annexation of Texas. It is part and parcel of the last transaction. At least eighty millions of dollars, when arrears are liquidated, bounty lands set apart, and pensions fully paid. For this acquisition the North has contributed its full share in blood, and from its greater ability for consumption, will pay the largest portion of the treasure by which it has been purchased. Taking Texas into the account, with its three hundred thousand square miles, and its capacity for production, I hold that an equitable division—if the propriety of it were to be conceded—should leave California and New Mexico free.

Let us look at the money account, and see how that stands. Florida has cost us forty millions of dollars, and Texas eighty millions. For New Mexico and California we are to pay, including claims of our own citizens, twenty millions. Deduct this from the other, and we have a balance of one hundred millions, which we have paid for new territory given up wholly to the South. The blood, the treasure, the surface—everything taken into the account—there is an overwhelming balance in favor of the North; and on every principle we are entitled to New Mexico and California. But, sir, I will not put it on this narrow ground. I hold that if we acquire territory which is free, it should remain so, and this on high principle—that the United States shall not be instrumental to the extension of slavery, and stand before the world, in this age of intellectual light and of moral elevation, in the attitude of ministering to the propagation of an evil, for the presence of which among us we can only justify ourselves by necessity.

There is one argument on the other side against restriction—if it may not rather be termed a complaint, or an accusation—which I cannot pass by in silence. Gentlemen have represented us, who oppose the extension of slavery, as intending to hold their slaves in, to "rein them up," to surround them with "walls of circumvallation," to
crowd them together and leave them to perish; and we have been assailed with such outbursts of eloquent indignation as it has never before been my pleasure to hear on this floor. Pens and walls of circumvallation! These are expressive forms of speech, Mr. President. They are not ungrateful to the imagination. They combine the familiar associations of rural economy with those which belong to the nobler occupation of arms. They are redolent of the classics—the "gratum opus agricola" and the "meae korrentia Martis arma." Why, sir, an innocent by-stander might have supposed, from the expressions of horror and disgust with which we have been visited, that we had devised, in good earnest, some unnatural scheme of penning up or walling in this unfortunate African race. Now, if gentlemen will consider the facts, I think they will find not the slightest occasion for any, exuberance of feeling, either in its higher phases of indignant passion or in its lower tones of commiseration and sympathy. What is the area of the slaveholding States? What is the size of the enclosure in which the negro race is to be shut up by those who oppose the extension of slavery? More than nine hundred thousand square miles—more than the entire surface of France, Spain, Portugal, Germany proper, Prussia, Switzerland, and Italy, combined—nearly equal to two-thirds of the entire surface of Europe. Russia excluded—a greater area than that which, in the eastern hemisphere, sustains a population of one hundred and fifty millions of souls! Let us turn to the non-slaveholding States, and see how their surface compares with that of the slaveholding. What is their area, Mr. President? But little more than four hundred thousand square miles—not half the geographical extent of the slaveholding. Thus, with an area not half as great as that of the slaveholding States, the free States are charged with aggression and injustice, because they will not consent to the extension of slavery beyond its present limits into districts of country in which it does not exist. And, what is more extraordinary, we are accused of inhumanity because we propose, to use the language of our accusers, "to pen up" the African race on an area nearly a million of square miles in extent. Really, this subject is hardly susceptible of being treated with becoming gravity; and I dismiss it.

Let me now look a moment at the provisions of this bill, so far as they profess to offer us a compromise of the question of slavery in the Territories. And here I desire to say, that I intend no reflection upon the conduct or motives of the committee, collectively or individually. I deal only with the measure; but of that I must speak freely and frankly.

There are but two direct references to slavery in the bill: they are contained in the twenty-sixth and thirty-third sections, and both are to the same purpose. They prohibit the territorial governments of California and New Mexico from legislating on the subject.

There is one indirect reference to slavery. It is contained in the twelfth section of the bill, which declares the laws now in force in Oregon to be valid and operative for three months after the Legislative Assembly meets; and, as we all know, one of these laws prohibits slavery.

These, then, are the great provisions of this bill. They leave the whole of New Mexico and California open to the introduction of slaves, and prohibit the territorial governments from legislating on the subject, even if disposed to legislate for their exclusion. And, in consideration of this abandonment of all the territory we have acquired from Mexico to slavery, we have received from the hands of the committee the boon of freedom for three months in Oregon. This is the great concession to the non-slaveholding States; and this is presented to us as a compromise—a compromise which surrenders everything on one side, and concedes nothing on the other. Let me examine this subject, by examining some of the propositions with which this bill was ushered into the Senate Chamber by the Senator from Delaware, [Mr. CLAYTON,] as chairman of the committee of eight. They are so extraordinary, that I cannot forbear to pay them a passing notice. I hold them to be a true exposition of the meaning and the object of the bill by the one who, of all others, is best qualified to interpret it—the one by whom it was drawn. I give the more credence to his interpretation of it, because, on a careful examination, I can put no other construction on it myself.

The first proposition is this: (I read from his remarks.)

While it was admitted on all sides that by far the greatest portion of the Territories was properly adapted to free labor, and would necessarily be free soil forever; yet it was also, with equal unanimity, conceded that there was a portion of it where free labor could never be introduced, owing to the climate and the peculiar productions of that portion. I consider this proposition unsound in all its parts. In the first place, our own experience teaches us that slaves will be carried wherever they are permitted to go; that no soil will be free where they are not excluded by law. They were taken into the territory northwest of the Ohio river. There are now five slaveholding States north of 30° 30': Missouri, Maryland, Delaware, Virginia, and Kentucky. On a former occasion, I said that slaves would be valuable in any part of the country, in the early stages of settlement, where the demand for labor is urgent. And I have no hesitation in saying, that if this bill passes both Houses, and becomes a law, they will be carried into New Mexico and California which is habitable. This will be its practical effect. Even if the northern portion shall in future years abolish slavery, it will be left with a black population—a burden and an incumbrance to the white race, and an impediment to its moral and physical development.

But the latter part of the proposition is far more objectionable than the first; and I regret exceedingly to hear that it was conceded with unanimity. I deny that there is any portion of these Territories where free labor can never be introduced. I deny that there is any portion of the globe which nature designed for slavery. It would be an impeachment of the character and the purposes of the great Author of the Universe to concede that there is any portion of the earth in which we cannot "stand fast in the liberty" wherewith God has made us free. I deny that there is any portion of Oregon, or New Mexico, or California, to the cultivation of which slave labor is indispensable. The suggestion is as unsound in fact as it is in philosophy. I do not admit that there is any portion of those territories to which African, much less slave labor, is indispensable.
There is no portion of it less suited to white labor than the southern portion of Spain—none which has a more fiery sun than Andalusia—where slavery does not exist. Besides, there is a free Indian population, natives of the climate, willing to work, singularly docile, and adequate to all the demands for labor for years to come.

I regret exceedingly to have heard the admission that slave labor is necessary in those Territories. But I have ceased to be surprised at anything from any source. I have heard one of the principles of the Declaration of Independence impugned, and its author charged with error in the conclusion of slavery from the Territories of the United States. I have heard negro slavery defended as founded in right, as justified by the laws of God, and lauded as "the mildest species of bondage which labor ever bore to capital on the face of the globe." I confess I have been astonished at these declarations, so different from all I have heard and read of the sentiments of the great men of the Republic from its foundation to the present day. I have been taught, and taught by the South, to regard slavery as an evil to be got rid of, and not as a good to be communicated to other communities.

The Senator from Delaware, after proposing to organize governments for California and New Mexico, by the appointment of a governor, secretary, and judges, to compose a temporary legislature, without the power to legislate on the subject of slavery, proceeds: "It was thought, that by this means Congress would avoid the decision of this delicate question, leaving it to be settled by the silent operation of the Constitution itself; and that, in case Congress should refuse to touch the subject, the country would be slaveholding only where, by the laws of nature, slave labor was effective, and free labor could not maintain itself!" This proposition is subject to the great and fundamental objection I have taken to the other. It contains a direct admission, that by the laws of nature a portion of the country or territory will be slaveholding. I deny that nature has any such law. It is the law of man, doing violence to all the dictates of nature, that makes a country slaveholding, either by its own voluntary act, or by the act of others forcing slavery upon it.

But the chief and radical objection is, that it contains a further admission that the Territories are to be left open to the introduction of slaves—that they will be slaveholding wherever slaves can be carried. It is an admission that the "silent operation of the Constitution" will be to make the country slaveholding, where slave labor will be effective. I consider it an entire abandonment of northern ground. What is the ground taken by the North? It is, that slavery shall be prohibited in the Territories. The act contains no such prohibition. It is a complete surrender to the theories and claims of our friends of the South. All they contend for is, that the territories shall be open, and they left to the unrestricted enjoyment of the right they assert to carry their slaves into any Territory belonging to the United States. It is the very extent of their demand. It leaves nothing for them to ask or desire. The distinguished Senator from South Carolina [Mr. Calhoun] commenced his speech with the assertion that all the South desired was—no legislation. This has been conceded—fully conceded. Indeed, something more has been given up. It was not enough to yield all that was asked. The Territorial Government is prohibited from legislating on the subject of slavery. This I should not object to, constituted as that government is likely to be, but for a single consideration—as a precedent, it may be of importance. It will constitute an argument in favor of extending the same prohibition to the legislative assemblies, when they shall be hereafter created. But I will not look beyond the present. I take it as it is. The Territorial Government is prohibited from legislating; Congress does not legislate at all. It will legislate over the Territories of New Mexico and California. It will enter the great basin; it will take possession of the maritime valley of California—the American Italy; and when planted there, neither you, sir, nor I, nor our children, will live to see it eradicated.

And, with this assurance, which no man can reasonably doubt, we are invited to leave this matter "to the silent operation of the Constitution;" when we all know that the Constitution does no more than vest in Congress the power to legislate for the Territories. It is an invitation to us to leave this power unexercised, and to let slavery extend itself wherever self-interest can carry it. It is the same argument that was used in the Federal Convention against the abolition of the slave trade. Our fathers were invited to leave the whole subject to the laws of nature. It is the argument which has been employed on all occasions to resist every attempt to prevent the extension of slavery. It was urged against restrictions upon Louisiana, against restrictions upon the territory northwest of the Ohio river, against restrictions upon the territory west and northwest of the Mississippi, when Missouri was admitted into the Union. Did those who have gone before us yield to these persuasions of self-interest? No, sir, they refused to accede to them. They prohibited the introduction of slaves into the Territories. They considered it as a political question, proper only to be decided by themselves, and not to be shuffled off upon the Judiciary. They met the responsibility like men, and decided it according to the dictates of duty and right. This scheme of the committee, so far as it professes to be a compromise, secures nothing to the North. To the South it yields up all. It concedes all that is asked, all that is desired. It imposes no restriction; it sets up no barrier; it leaves the whole field open to be entered and taken possession of, unresisted and uncompromised. It is an unconditional surrender; it has not even the grace of a capitulation upon terms.

If gentlemen suppose this proposition will calm the prevailing excitement, they are greatly mistaken. What does it contain calculated to allay agitation in the North? Does it concede anything to the non-slaveholding States? No, sir. It excludes slavery nowhere—not even in Oregon. It only continues her prohibition in force for three months after the first meeting of her Legislative Assembly. The prohibition is then to cease. From that moment slaves may be introduced, unless the prohibition is reenacted. They will not be excluded then, if Congress shall disapprove the reenactment. Oregon comes here with an organic law prohibiting slavery forever; and we throw it back upon her with a mere temporary vitality.
We virtually invite her to reconsider it, as if it had been passed without due reflection, or as if, on further deliberation, she may think it advisable to receive slaves into her bosom. Indeed, it is not necessary for her to do any act. She has only to be passive. We virtually repeal the prohibition. And this the committee give us to calm excitement! Sir, I consider this whole scheme of legislation unworthy of the high character of the country, unworthy of our fathers, unworthy of ourselves. It is commended to us, that Congress may avoid the decision of the question. It is an evasion of responsibility, which will defeat its own purpose. It is sowing the seeds of a future agitation, vastly more profound and exciting than this. It is a temporary colonization of this controversy, to be sent out to the Pacific to stir up dissension among the first settlers, and then to be brought back here, after a time, to renew agitation among ourselves. It will turn out, like every other device of timidity, which shrinks from one embarrassment only to plunge deeper into another.

But, sir, we have reason to be thankful that our case is not utterly void of hope. We are flattered by the chairman of the committee with the assurance, that Congress will be at liberty hereafter to give us the Missouri compromise, and run out the line of 36° 30' to the Pacific. He considers the arrangement temporary.

It is not so with the Senator from South Carolina, [Mr. Calhoun.] He has pronounced it permanent. And, what is eminently worthy of attention, the bill was to speak for itself. It was so announced. Well, sir, it has spoken for several members of the committee; and it is so artfully or so inartificially contrived, that it speaks a totally different language in each case.

But let us pause and survey this bow of promise which the chairman of the committee has hung out in the distance for our encouragement and hope—the Missouri compromise. When it presents itself, I shall be opposed to it—utterly, irreconcilably; because it will extend slavery where it does not now; because it would subvert the laws of Mexico which have abolished slavery, and introduce it where it is prohibited. It bears no analogy to the compromise of 1820. That settlement of the question, which was confined to Louisiana, contracted the area of slavery. This would extend it. The whole of Louisiana was open to the introduction of slaves. Slavery nominally existed there. But beyond the limits of the State of Missouri, north of 36° 30', the territory was nearly uninhabited. The compromise invaded no right. It was no act of abolition or emancipation; but it prohibited the extension of slavery to areas over which, without such a prohibition, it would have been extended. How widely different is this proposition? It is to extend slavery where, without the sanction of the public authority, direct or indirect, it cannot go or exist. It is a proposition to establish slavery by law in a district of country more than two hundred thousand square miles in extent, equal to the entire area of France or the Spanish peninsula. On every principle of justice and right I shall be opposed to it; justice to ourselves, to our national character, and to the future millions who are to occupy the great Pacific, or maritime valley of California—literally the Italy of America, in all but the monuments and classical recollections of the other. Let us look at this question practically. The proposed compromise would carry out the line of 36° 30' to the Pacific, and prohibit slavery north of it. Let us see the geographical divisions it would make. It would divide New Mexico just above Santa Fe, leaving that city and two thirds of the entire State or Territory to the South. How is the distinction between free and slave territory to be maintained? Are we to have two Territories with separate political organizations, or only one with an astronomical line separating the bond from the free? Passing New Mexico, the compromise line would cross the Sierra Madre, or Rocky Mountain chain, and enter a district but little explored, but, so far as known, barren and almost worthless—leaving a strip of three parallels of latitude to the South. It would next graze the great basin of California—one of the most remarkable features in the geographical conformation of this continent—represented by Frémont as Asiatic rather than American in its character. It is five hundred miles in extent in all directions, enclosed by mountains—the Sierra Madre on one side and the Sierra Nevada on the other—and has its own systems of lakes and rivers. It is now used partially, but with numerous and in some cases extensive tracts, compact and inhabited. Passing the great basin without touching it, the compromise line would cross the Sierra Nevada, and enter the maritime valley of California, five hundred miles in length and one hundred and fifty in width from the summit of the mountain chain, which forms its eastern boundary, to the coast range on the Pacific. This valley—the finest in the western hemisphere—is represented by Frémont as bearing a close resemblance to Italy in extent, in climate, and in its capacity for production. It is the natural region of the vine and the olive, and of the infinite variety of grains and fruits which the earth brings forth in tropical climates. Though much further north, it has all the mildness of the tropical regions on the eastern face of this continent. The compromise line would sever this noble valley longitudinally, leaving four hundred miles to the North and one hundred to the South. It yields nothing, to the production of which slave labor is necessary. Slavery would go there as a bane and a hinderance, rather than as an aid, even to production. Why, then, seek to introduce it, when no good purpose is to be answered—when it can only prove an element of unmixed evil? Why sever a region which nature designed for unity in its geographical conformation, its climate, soil, and capacity for production? How is the social distinction which the compromise line would introduce to be preserved inviolate? Will you have two governments, or one with an imaginary line to define the boundary between slavery and freedom? Sir, this whole scheme of division is wrong in all its elements—geographically, politically, morally wrong—and I will have no part in it.

Such, Mr. President, would be the Missouri compromise line, applied to New Mexico and California. Bad as it would be, the bill reported by the committee is still worse. It leaves all open: it surrenders all. It will dedicate the whole of this noble valley to slavery, and exclude from it the freemen of the North, who will not go where their labor is to be degraded by mingling with the
labor of blacks. Sir, there were gallant bands from the North and West, who "coined their hearts and dropped their blood for drachmas" on the ensanguined plains of Mexico, to make this acquisition. They are gone beyond the reach of sympathy on the one hand, or injustice on the other. But against their fathers and their children, you will by this act put forth an edict of perpetual exclusion from an inheritance purchased by filial and paternal blood.

There is another consideration which ought not to be overlooked. We have been accused, for the last two years, of making war on Mexico to obtain territory for the extension of slavery. We have denied the truth of these imputations. We have resented them as doing injustice to our intentions. And yet, sir, the treaty is hardly ratified before we are engaged in a struggle in the American Senate to extend slavery to the territory we have acquired. How can we stand up, in the face of the civilized world, and deny these imputations, if the proposition of leaving these territories open to the introduction of slaves is consummated?

I do entreat our southern friends earnestly, solemnly, not to press this measure upon us: I mean that of insisting on the right to carry slaves into New Mexico and California. I say to you in sincerity and with the deepest conviction of the truth of what I say, that the northern feeling can go no further in this direction. I appeal to you, through the memory of the past, to do us the justice we have rendered to you. You asked for Florida. You said it shut you out from the Gulf of Mexico. It was an inlet for political intrigue and social disorganization. It was necessary for your safety. We united with you to obtain it. Our blood, our treasure was freely shared with you in making the acquisition. We gave it up to you without reserve. You asked for Texas. It was said to be in danger of falling under the control of your commercial rivals. It was necessary to your safety. You said it would become a theatre for the intrigues of abolitionism. Your slave population might be endangered without it. We united with you again, and gave you back, by legislation and arms, what you had lost a quarter of a century before by diplomacy. We have now acquired free territory. We ask only that it may remain free. Do not ask us to unite with you in extending slavery to it. We abstain from all interference with slavery where it exists. We cannot sanction its extension, directly or indirectly, where it does not exist. And if the authority of the United States is exerted for this purpose—if slavery is carried into and established, as it will be by this bill, in the territory we have acquired—I am constrained to say—I say it in sorrow—the bond of confidence which unites the two sections of the Union will be rent asunder, and years of alienation andunkindness may intervene before it can be restored, if ever, in its wonted tenacity and strength. Not that I have any present fears for the integrity of the Union. I have not. It is capable of sustaining far ruder shocks than any possible settlement of this question can give. But what I fear is, that the current of reciprocal kindness and confidence, which runs through every portion of the community, pervading, refreshing,invigorating all, may be turned out of its course, and forced into channels to which the common feeling is alien, and in which it may be converted into a fountain of bitterness and strife. I conjure you, then, to avoid all this. Ask us not to do what every principle we have been taught, and taught by your fathers, to venerate, condemns as unnatural and unjust.