THE UNION.

SENATOR DOUGLAS'S SPEECH,

Delivered at the Representatives' Hall, at Springfield, on the evening of the 23d October, 1849.

Senator Douglas commenced his speech by remarking that he desired to call the attention of his constituents, and especially of such members of the two branches of the legislature as might be present, to the subjects embraced in various resolutions adopted by the legislature as instructions to our senators in Congress. Some of these resolutions, he had no doubt, expressed the deliberate will of the people of this State upon the subjects to which they referred, while he entertained serious doubts whether the others would, upon examination, meet the approval of the people or the legislature. It was not his purpose to make an issue with the legislature, nor to condemn anything they have done. He was anxious to ascertain their wishes and to harmonize his own opinions with theirs, so far as it could be done consistently with his convictions of duty. The first resolution to which he would invite their attention related to the scheme of Mr. Whitney to construct a railroad from lake Michigan to the Pacific. They were adopted, he believed, at the session of the legislature preceding the last, and were as follows:

"*Resolved by the House of Representatives of the State of Illinois, (the Senate concurring herein,)* That we have seen and read with pleasure the very interesting report of our worthy and intelligent senator (Breese) upon the propositions of Mr. Whitney, of New York, on the subject of a railroad from lake Michigan to the Pacific ocean, and heartily concur in the sentiments and ideas therein set forth.

"*Resolved, further,* That our senators and representatives in Congress be, and they are hereby, requested and instructed to use their influence in sustaining the propositions of Mr. Whitney, which have been submitted to the Congress of the United States, for a railroad from lake Michigan to the Pacific."

He said that these resolutions were adopted under circumstances which were peculiarly mortifying and embarrassing to him. In the year 1845, Mr. Asa Whitney of New York had presented a memorial to Congress asking for a grant of land sixty miles wide from Lake Michigan to the Pacific, to enable him to make a railroad. It had been a long time before the public, and had created considerable interest. Plumb had brought his project before the public at a public meeting in Dubuque, Iowa, in 1838; and Wilkes, Hull, Calvin, and others have followed, with their respective schemes, nearly all looking to the public lands as the source from which the funds were to be drawn to construct the work. At length Mr. Whitney entered the field in 1845 with his famous project, and commenced a system of operations to enlist public favor for it. Mr. Douglas had examined the project carefully, and come to the conclusion that he could not give it his support under any consideration. Hence, in the summer of 1845, he wrote and published a letter to Mr. Whitney, in which he stated his objections, both to the route and plan proposed by him. Mr. D. here read an extract from his printed letter of 1845, stating his objections to Mr. Whitney's route from Milwaukie via Prairie Du Chien, the St. Peter's river, in Minnesota, and the South Pass of the Rocky mountains, and advocating the more direct route from Chicago via Council Bluffs to the South Pass. He argued in favor of a starting point on the lakes, where connexions could be formed eastward as well as westward; that the great object to be accomplished was to secure a continuous line of railroads from the Atlantic to the Pacific; that it would not do to rely upon the lakes as links in the chain; for they were interrupted by ice from three to four months in the year; that it was idle to talk of commencing at any point on lake Michigan, which did not admit of an extension by railroad, until they had first devised some mode of bridging lake Michigan. For these reasons Mr. D. insisted that the road must come around the southern bend of lake Michigan, or on some line still further south. In regard to the western terminus of the road, Mr. D. said that, also, he differed with Mr. Whitney at that time, although he did not press that point as a matter of so much importance, as there was then a valid objection to it, which has since been removed. Mr. Douglas here read the following sentence from his published letter of 1845:

"This is the route proposed by you and may be adopted, although I am inclined to the opinion that *the bay of San Francisco, in California*, would be preferable for the western terminus, IF THAT COUNTRY COULD BE ANNEXED IN TIME."

While Mr. Whitney proposed to run the road to the north of the Columbia, or to Puget's Sounds, I then thought the bay of San Francisco would afford a better terminus, provided that country could be annexed in time. He put forth no claims to the power of prophecy for having foreseen that California was so soon to be ours. Every intelligent man, who has closely watched the course of events, and was capable of comprehending our manifest destiny, could then as clearly see that California was soon to be part of this great confederacy as we all now see that Cuba and Canada are coming. Hence, in maturing our plans for great national works, we must look to the future as well as the past, if we would have them answer the objects of their construction when they shall be finished.

Mr. D. objected to the *plan*, as well as the route of Mr. Whitney. That plan proposed that the Congress should grant to Mr. Whitney and his associates all the lands between lake Michigan and the Pacific sixty miles in width. This, according to Mr. Whitney's own calculations, would include ninety-two millions of acres—a quantity larger than is included within the entire area of the States of Ohio, Pennsylvania, New York, and New Jersey together—a tract of country larger than England, Scotland, and half a dozen German states combined. This immense tract of country it was proposed to give to Mr. Whitney, and take his word that he would make a national railroad to the Pacific. These objections, and many others, were all set forth in Mr. D.'s published letter of 1845. He had supposed that the proposition was so monstrous that it only need to be stated to fix the seal of the people's condemnation upon it. Imagine, then, his surprise and mortification, when, at the next session of the legislature, he received the resolutions instructing him to use his "*influence in sustaining the propositions of Mr. Whitney, which have been submitted to the Congress of the United States for a railroad from lake Michigan to the Pacific ocean.*" Thus he found himself instructed to support both the *route* and the *plan* of Mr. Whitney—instructed to oppose the location of the road in his own State—to give the preference to Wisconsin over Illinois, and to Milwaukie over Chicago, and that, too, when the shortest, cheapest, and best line for a railroad from the Atlantic to the Pacific would be run through the heart of our own State. He could scarcely credit the fact, and nothing short of the official seal of the secretary of State, the legislature, of the governor and the great seal of State, could make him believe that these resolutions had ever received the sanction of the legislature of Illinois. He did not then believe, nor does he now believe, that these resolutions express the sentiments of the people of Illinois. He believed that they were only intended as an expression of an opinion in favor of the grand proposition of making a railroad to the Pacific. He could not reconcile the action of the legislature with that fidelity which every representative owes to his constituency upon any other principle; and yet the language of the resolutions was clear and explicit—an express mandate to the senators from this State to sustain the propositions of Mr. Whitney, which had been submitted to Congress.

Mr. D. said that he was greatly embarrassed by these resolutions. He had even then already matured and published a plan for a railroad to the Pacific, commencing at Chicago, crossing the Mississippi at Rock Island, the Missouri at Council Bluffs, thence through the South Pass of the Rocky mountains, and should have presented it to Congress for definite action that session but for these legislative instructions. From that time Mr. Whitney's scheme has occupied a considerable portion of public attention, and has been presented to Congress each succeeding session with various changes and modifications. He did not consider himself bound to support the modifications and changes which Mr. Whitney's plan had undergone from time to time, and hence he contented himself with folding his arms and remaining inactive so far as this question was concerned. The Whitney bill of last session retained many of its original features; but there were some new provisions worthy of attention.

It authorized Asa Whitney and his associates to make a railroad from such point as he or they should designate on lake Michigan *or* the Mississippi river, to such point as he or they should select, on the Pacific ocean, and sell to Mr. Whitney at ten cents an acre all the lands within thirty miles of the road, making a strip of land sixty miles the entire distance. The first feature in this new scheme to which Mr. D. wished to call public attention, was the starting point or eastern terminus of the road. This has become a question of so much magnitude, that it is now agitating the whole nation. It was the fruitful source of all our difficulties in the St. Louis convention.

That is the question which has assembled the South in convention at Memphis at this time. It is the question which occupies the attention of all the friends of the Pacific railroad, and threatens more danger to the success of the great measure, in the strife and discord it will engender, than all other causes. This vexed question the Whitney bill proposes to settle by allowing Mr. Asa Whitney, of New York, to locate the great national railroad *from such point as he shall designate on lake Michigan or the Mississippi river.* He may start at Green Bay, Milwaukie, or Chicago, on the lake, at the falls of St. Anthony, St. Louis, or New Orleans, on the Mississippi. A pretty wide margin—a space of two thousand miles to operate upon, and innumerable towns and cities to negotiate with, to see which would pay him the largest bonus to convince the judgment of Mr. Whitney which is entitled to the honor of being selected as the eastern terminus of a national railroad! This great question, which now agitates the whole nation—arraying State against State, section against section, the South against the North, and the free States against the slave States—is to be submitted to Asa Whitney and his associates for adjustment and pacification! The western terminus is asked to be decided in like manner. It does not require the spirit of prophecy to determine where it would be located. The bay of San Francisco, with its magnificent harbors, and the valley of the Sacramento, surrounded with mountains of the precious metals, indicate too clearly where the road would be located, if these adventurers are to be permitted to receive and retain all the lands within thirty miles on either side. The sixty miles wide would cover the bay and all its harbors, towns, and cities, and the valley of the Sacramento, with all its gold mines, even to the tops of the mountains, and the sources of the tributary streams. All these it is proposed to surrender into the hands of Mr. Whitney, on condition that he will make a *national* railroad to the Pacific, on such line as his interests shall dictate, which *national* road, when done, is to be *his private property*.

Such, said Mr. Douglas, was a faint outline of the gigantic scheme which he was instructed by the legislature to support. He had called the attention of the members of the legislature to it for the purpose of inviting them to reconsider the resolutions to which he had referred. It was unpleasant for him to be constrained to differ with the legislature upon any subject; but he thought it respectful to them thus to express frankly and fully their differences of opinion, with the hope that a full discussion might lead to wiser results. He felt a deep interest in the general proposition of a railroad to the Pacific, and indulged the firm conviction that the great work was sure to be accomplished. He had just returned from the great convention at St. Louis with renewed hope and confidence. A free and bold discussion of all the various propositions and routes had been attended with the happiest result. It had been his misfortune to arouse the passions and excite the ire of some of his St. Louis friends by a course of reasoning tending to show that the nation should not commence the road at St. Louis, or any other point within the limits of the existing States of the Union. Without stopping to discuss the constitutional question involving the right of Congress to carry on a system of internal improvements within the States, he was clearly of the opinion that this national railroad should commence at the most suitable point on the Missouri river outside of the present States, and run through the best pass in the mountains to the most suitable point on the Pacific ocean, to be selected by a vote of Congress after the surveys and estimates should be made. The road from the Missouri river to the Pacific would be national in every sense of the term. The entire line would be in the territories of the United States, where the jurisdiction of Congress could not be questioned, and where the right of way, and the materials, and all the lands were still the property of the Union. The Missouri river, through the Mississippi and its tributaries, would furnish free and easy access to the starting point from almost every portion of the United States, while that starting point would be a central and convenient place for all the lines of roads now progressing from the Atlantic, the Gulf, and the lakes, to unite with the great national road. The lines from Boston and New York, now nearly completed to Chicago, and progressing to Galena, would soon reach the Missouri river. The Aurora branch of the Chicago and Galena road would doubtless reach the same point by way of La Salle and Rock island. The great east and west line through the centre of the State by Springfield and Quincy would be very easily extended to the Missouri river, while the southern cross-roads from Terre Haute, Vincennes, and Mount Carmel would probably unite with the St. Louis branch of the great national railroad. All these lines, and others coming from the southern States, would be finished, under State authority, to the Missouri river, long before the government, with all its energies and resources, would be able to complete the national road to the Pacific. While the road from the Missouri river westward would be entirely national, the moment you cross that river and enter one of the States of the Union, you raise up a thousand local and sectional jealousies and interests, which would hazard, if not entirely defeat, the success of the whole scheme. The conflict would begin between the States of Iowa and Missouri which should have the honor of the road through its territory. The causes which would give birth to this contest between those States, would extend to Illinois, Indiana, and Ohio, and array the northern portions of these States against the southern portions, and perhaps both against the centre. The strife would extend to the whole Union, until the North would be arrayed against the South, and the slave States against the free. It was the presentation of these facts in bold relief that convinced that distinguished assembly of the impropriety and danger of commencing the national railroad at any point within the limits of the existing States. He had there warned them of the consequences if they persevered in the attempt to induce the national government to make the road through the State of Missouri to and for the benefit of the city of St. Louis. He had asked them what good reason they could assign for expending five years of time and ten millions of money in making a railroad with national funds within the limits of a State, and that, too, upon the immediate banks of a stream which Colonel Benton had told us "was the best steamboat river upon the face of the earth?" Had Missouri any higher claims upon the government for the expenditure of ten millions of money to construct this road through her limits to the Mississippi than Illinois had for its continuation to the Wabash? And when it should have been constructed through Missouri and Illinois, would not Indiana set up her claims for its extension to the Miami? Where would you stop short of the farthest frontier of the remotest State upon the Atlantic? And then would not each State upon the north and the south of this line claim that it must also have a branch in order to an equal distribution of the favors of government, and to put them upon an equality with their sister States? These were some of the considerations which had convinced the St. Louis convention, and he doubted not would convince the Memphis convention, now in session, of the dangers and impropriety of attempting to commence this great national railroad at any point within the limits of the States of the Union, and of the propriety of commencing on the Missouri river, outside of the States, with branches, to be constructed under State authority, with the aid of liberal grants of lands to Chicago, St. Louis, and Memphis. He had rejoiced at the harmonious result of the St. Louis convention. He believed that it had done much to concentrate public opinion in favor of this great work, and upon the best plan and route, and he expressed the earnest desire that the legislature would revoke their resolutions in favor of the plan and route of Mr. Whitney, and substitute the one he had indicated as best adapted to the objects in view, both as it respects the interests of our own State and the nation. Mr. D. said that the general state of his health warned him of the necessity of bringing that portion of his remarks to a close which related to the Pacific railroad, as he desired to discuss briefly two other subjects of no less interest, if not the same national importance, upon which he had also been instructed by the legislature. He referred to the central railroad in connexion with the act of the last session giving to the Cairo City and Canal Company the lands proposed to be granted to the State; and to the slavery question as connected with the Wilmot Proviso and the legislative instructions.

In the first place he felt that it was due to himself and to the public to correct a mistake which he had fallen into in his Chicago speech upon this subject, in regard to the vote in the House of Representatives on the passage of the act of last session. At the time of his Chicago speech the journals had not been distributed; but he had been informed that the bill had passed the House unanimously, and he so stated in that speech. He had since been informed by a member of the legislature that the vote was not unanimous, and, upon examining the journal, he found that the vote stood sixty-four in the affirmative, and five in the negative. Those voting in the negative were Messrs. Edwards, Hardy, Hayes, Kellogg, and Trail.

Mr. D. took great pleasure in making this correction, and said that he did not consider that it at all affected the main question, as it was evident that the bill passed under a misapprehension of its provisions and legal effect.

He then went into an exposition of the whole question, examining in detail the act of last session, the charters of the central and great western railroad, the Cairo city and canal charter, and all the kindred measures with which the name of D. B. Holbrook is associated.

Before he proceeded to the discussion of the resolutions touching the slavery question, he said that he wished to say a few words upon the general practice of legislative instructions as it had recently prevailed. He was aware that it was a point of extreme delicacy, yet he felt constrained, by a sense of duty, to say, in a spirit of the most profound respect and kindness, that a large portion of the resolutions of instruction which had been sent to him within the last two years, and especially at the last session, bore incontestable evidence that they had been adopted without due investigation or consideration of the subjects to which they referred. The Whitney resolutions, to which he had already alluded, did not by any means furnish the strongest illustration of the truth of this remark. Some two years ago he had originated and introduced into the Senate a bill granting to the State of Illinois a quantity of land equal to the alternate sections six miles wide on each side of the line, to aid in the construction of a railroad from Galena to Chicago, and thence to the mouth of the Ohio; and, on his motion, the bill was referred to the Committee on Public Lands, of which his colleague (Judge Breese) was chairman. In a few days Judge Breese made an able and elaborate report in favor of his (Judge Douglas's) bill; and, by their united exertions, the bill passed the Senate by a vote of about three to one. In the House of Representatives it was warmly advocated by our unanimous delegation, and finally defeated by only one or two majority. At the next session of the legislature a resolution was adopted, imperatively instructing Judge Breese and himself to support that measure, and requesting the representatives to do likewise. This resolution was calculated to leave the impression on the public mind that Judge Breese and himself were opposed to the measure, and had been constrained to yield it a reluctant support under the pressure of instructions. When he presented them to the Senate, senators were at a loss to know what they meant—whether the Illinois legislature were really ignorant of the sentiments and action of the senators and representatives upon the subject, or what could be the motive for instructing them to do that which they had already done. About the same time he had presented to the Senate resolutions of instruction from the Illinois legislature, commanding him and his colleague to vote for a rate of postage five cents uniform, one year after they had both voted for and advocated this identical proposition.

About the same time he also presented to the Senate a resolution of instruction from the legislature to himself and colleague, to "use their influence in favor of pre-emption rights being granted to persons now actual settlers on the public domain, that may be granted to this State for building railroads or other internal improvements." When this resolution was read, senators would inquire whether the Illinois legislature were not aware that there had been for two years a general pre-emption law in force, by which the actual settlers on these lands would be entitled to pre-emptions without further legislation. Besides, they said if those lands should be granted to the State as the resolution contemplated, it would be the province of the legislature, and not of Congress, to provide pre-emptions to the actual settlers. About the same time he presented to the Senate resolutions of instruction from the legislature, to "use all proper and honorable means to obtain the passage of laws for the improvement of the navigation of the Mississippi, Ohio, and Illinois rivers, and for the improvement and protection of the harbors upon the northern lakes." Senators would again inquire what this meant? whether our constituents were not aware that we had uniformly supported river and harbor appropriations without instructions?

Mr. D. would not weary the audience with more of these resolutions. He had referred to enough to illustrate their general character, and to show how unnecessary they were, inasmuch as they merely commanded their senators to do what had been previously done, thus doing them manifest injustice by creating the impression upon the minds of a large portion of the people that they were opposed to these measures until compelled to support them by legislative instruction, and by this process manufacturing the member of the legislature who introduced the resolution of instruction into the hero of a popular act of Congress two years after it became a law. His object in referring to these matters, however, was not to complain of the injustice done him individually, but to themselves and the State by lowering your character for intelligence and probity. Mr. D. had felt mortified and humiliated in being required by the law of courtesy to present these resolutions to the Senate and move that they be read and printed, and entered upon the journals. He was well aware that no injustice or disrespect was intended by them, and all other resolutions of like character, which have occupied so large a portion of the time of the legislature and now encumber the statute-books. But they are calculated to produce unfavorable impressions abroad of the intelligence and character of our constituted authorities, while at home they may bring the whole doctrine of instruction, as now practised by the legislature, into disrespect and contempt. He repeated that these remarks in regard to the legislative instructions had been conceived and expressed in the spirit of kindness and respect, and trusted that they would be received and viewed in that light.

He now came to the examination of the slavery question as connected with the Wilmot Proviso and the legislative instruction of the last session. He should give a brief history of that question, so far as it was connected with his action in the two houses of Congress, with the view of showing how far he had been consistent, and by what principles he had been governed. He had ever been opposed to the slavery agitation in Congress in all its forms and shapes. He was equally opposed to northern and southern fanaticism upon that subject. He believed that both sections of the Union were acting under false and erroneous impressions as to its objects and intentions. He believed that this unfortunate state of things, so disastrous to the harmony of the Union and that fraternal affection which should bind us together as one people, was brought about by a class of politicians for selfish purposes, by advocating extreme and adverse doctrines, which were supposed to be popular in their respective sections. By this system of agitation the North was arrayed against the South, the slaveholding States against the non-slaveholding; sectional prejudices were excited, unfounded fears and groundless alarms aroused, until each section had been worked up to a perfect frenzy, believing that the other was urging a lawless invasion of its rights. Each was laboring under false impressions in respect to the intentions of the other, produced by those who supposed that their political fortunes might be advanced by misrepresenting the facts and misleading the people.

He was opposed to the whole system of agitation, and had no sympathy with those who were fostering and directing it. Slavery was a domestic institution, local in its character, and confined to the limits of the States in which it existed, and the people of other States will not be responsible for it, and had no right to interfere with it, either by their own action, or through their representatives in Congress. These were his opinions, deliberately formed and frankly avowed. They had governed his action during his political life, in and out of Congress. They were well known to the people of his congressional district before he was elected to the House of Representatives, and to the whole State before he entered the Senate. He was deeply impressed with the honor which the people of Illinois had conferred upon him, by elevating him to so many high and responsible posts under the State and national governments; and was profoundly grateful for the constancy with which they had sustained him with their confidence during fifteen years of public service, and was still anxious to retain and deserve that confidence, provided it could be done without the sacrifice of principles or honor. With this view he had thought that it was due to the members of the legislature and to the people of the State to make a public exposition of the principles by which his public action upon this question had been actuated, in order that they might have an opportunity of determining whether he was a proper person to represent them in the councils of the nation. The entire delegation in the two Houses of Congress, whose term of service commenced in 1843, were new members; neither one of them having been in either House before. About the first vote, if not the very first, which they were called upon to give in the House under the yeas and nays (for he spoke from recollection, not having the Journal before him) related to this slavery agitation upon the floor of Congress. It was upon the question whether the twenty-first, subsequently the twenty-fifth rule, prohibiting the reception of abolition petitions, should be retained among the rules of the House. The entire democratic delegation from this State voted unanimously in favor of retaining this rule, and thereby to suppress and exclude the whole system of slavery agitation in and from the halls of Congress, and refer it back to the States interested, where it properly belonged.

In 1845 the question arose again in a new shape upon the proposition to establish a territorial government in Oregon, containing a provision prohibiting slavery in the Territory while it should remain a Territory, and leaving the people to do as they pleased, when they should be called upon to form a State constitution preparatory to their admission into the Union. A brief discussion took place upon this branch of the subject, eliciting very little interest and creating no excitement, for the reason that it was well known that the people of Oregon had already established a provisional government, in which they had unanimously prohibited and excluded the institution of slavery, and for the further reason that the whole of the territory was situated far north of the line known as the "Missouri compromise." The Missouri compromise had then been in practical operation for about a quarter of a century, and had received the sanction and approbation of men of all parties, in every section of the Union. It had allayed all sectional jealousies and irritations growing out of this vexed question, and harmonized and tranquilized the whole country. It had given to Henry Clay, as its prominent champion, the proud sobriquet of the "*Great Pacificator*," and by that title and for that service, his political friends had repeatedly appealed to the people to rally under his standard as a presidential candidate, as the man who had exhibited the patriotism and the power to suppress an unholy and treasonable agitation, and preserve the Union. He was not aware that any man or any party from any section of the Union had ever urged as an objection to Mr. Clay, that he was the great champion of the Missouri compromise. On the contrary, the effort was made by the opponents of Mr. Clay, to prove that he was not entitled to the exclusive merit of that great patriotic measure, and that the honor was equally due to others as well as him, for securing its adoption—that it had its origin in the hearts of all patriotic men who desired to preserve and perpetuate the blessings of our glorious Union—an origin akin to that of the constitution of the United States, conceived in the same spirit of fraternal affection, and calculated to remove forever the only danger which seemed to threaten, at some distant day, to sever the social bond of union. All the evidences of public opinion at that day seemed to indicate that this compromise had become canonised in the hearts of the American people, as a sacred thing, which no ruthless hand would ever be reckless enough to disturb. Under these circumstances, a proposition to prohibit slavery by an act of Congress in the territory of Oregon, while it was already prohibited by the action of the people themselves, created no alarm and produced no excitement. Mr. D., in connexion with the entire delegation from Illinois, and according to his recollection, in company with nearly all the members from the northern States, and some forty odd members from the slave States, voted for that bill, containing a prohibition of slavery in that territory, leaving the people to regulate their own domestic institutions under the constitution when they should become a State. This triumphant vote, uniting both northern and southern members in favor of the Oregon bill, was a matter of no practical importance so far as the existence of the institution of slavery in that country was concerned, and is only referred to now for the purpose of showing that at that day the constitutional right of Congress to legislate upon the subject of slavery in the territories was not violently resisted, if, indeed, it was seriously questioned.

The alarms and apprehensions of our southern brethren, growing out of the Missouri controversy of 1820, had been lulled and quieted by the security which they supposed the Missouri compromise would extend to them in all time to come, and the whole country seemed disposed to acquiesce in whatever action Congress might choose to take upon the subject of slavery in the territories, presuming, of course, that it would be done in obedience to those principles of compromise and concession which had been sanctioned and recognised as the settled policy of the country for a quarter of a century. This presumption was not only authorized by the action of the government and the acquiescence of the people for this long period of time, but was, during the same year, twice affirmed, in the most solemn manner, by the act of Texas annexation, and the subsequent act of admitting the State of Texas into the Union, in which the Missouri compromise was, in so many words, and upon the motion of Mr. Douglas himself, extended indefinitely westward, through the State of Texas. Those two acts, relating to the annexation and admission of Texas into the Union, and ratifying and extending the Missouri compromise indefinitely westward, so far as our territory should be found to reach, received the votes of the entire democratic party throughout the free States, as well as the slave States, even including the barnburners and free-soilers, as they now choose to call themselves. It was as well known then as it is now, that the sanction of the Missouri compromise through Texas was a matter of no practical importance, so far as the institution of slavery was concerned within the limits of that State, for the reason that the northern part of Texas on both sides of that line was so ill-adapted to that peculiar institution that slavery could never exist there, whether prohibited by law or not. This was as well known then as now, and hence the compromise was not voted for by northern or southern men in consequence of its practical effect in excluding slavery from a small strip of a desert waste where neither the white man nor the black can procure the means of subsistence; but was voted for, as he supposed, in good faith, for the purpose of preserving a principle which had been deliberately incorporated into our legislation as a solemn and sacred compromise, binding in honor and patriotism upon all men who desired the peace and harmony of the Union.

All the reasons and inducements to the adoption of the compromise in 1820, and which has secured for it the support and approval of the whole country up to 1825, applied with equal force to its extension through Texas then, and to New Mexico and California now. In the opinion of Mr. D. it would be no more of a practical question, so far as the extension of slavery was concerned, when applied to New Mexico and California, than it was in 1845 in reference to Texas. He did not believe that slavery would even go into those territories on either side of the line, whether the Missouri compromise was adopted or not. He believed that the physical condition of the country was such that the country would forever remain free under all circumstances, by the decree of the people themselves, whatever might be the action of Congress. But this did not change the principle involved; did not create the necessity of a slavery agitation in Congress; and, above all, did not sanction the propriety of stirring up jealousies, and heartburnings, and strife between the different sections of the Union, without bestowing any one blessing upon the black or white man.

These considerations induced him, in 1845, to bring forward the Missouri compromise, and propose its application to Texas, with the view of its ultimate extension to the Pacific ocean, whenever California should be acquired, and with the same view it received the united vote of the democracy of the north, so far as he was advised. During the next year things assumed entirely a different aspect. War broke out between the United States and Mexico. The battles of Palo Alto and Resaca de la Palma were fought on the 8th and 9th of May, 1846. After these victories were won, the policy of our government was immediately changed from a defensive position into a war of invasion, with the view of obtaining indemnity for the injuries we had received in territory, inasmuch as Mexico was known to have no money with which to make remuneration.

On the 8th of August of that year, President Polk sent a special message to Congress, intimating the opinion that before the next session of Congress he might have an opportunity of concluding a treaty of peace with Mexico, and so adjusting the boundaries between the two countries as to acquire a large amount of territory; and asking for an appropriation of money to enable him to pay a fair equivalent for the country acquired over and above the indemnity to which we were entitled. The message was referred to the committee of the whole house on the State of the Union, and a bill immediately introduced in conformity with its recommendations. To this bill Mr. Wilmot of Pennsylvania offerred the following amendment, which was adopted in committee, and on the same day concurred in and passed the House, and has since been known as the "WILMOT PROVISO," in contradistinction to the "Ordinance of '87," the "Missouri Compromise," and all other enactments previously adopted by Congress touching slavery in the territories. Mr. D. here read the Wilmot Proviso from the journal, as follows:

"*Provided*, That, as an express and fundamental condition to the acquisition by any territory from the republic of Mexico, by the United States, by virtue of any treaty which may be negotiated between them, and to the use of the Executive, of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted."

This proviso, said Mr. D., was to have become a part of the treaty. The country was to have been acquired on the "*express and fundamental condition*" that slavery should *never* exist therein. The acquisition was to have been conditional, and our title conditional, dependent upon the fact, whether slavery should ever exist in the country so acquired. Suppose this proviso had prevailed and become a part of the treaty, and we had acquired California and New Mexico upon that "express and fundamental condition," and after they had been acquired, they should have been admitted into the Union, in pursuance of the constitution of the United States, upon an equal footing with the original States, in all respects whatsoever, and suppose that in the course of time these States, like New York, Pennsylvania, and Illinois, should have chosen to have revised this constitution, and in such revision should have recognised the institution of slavery, what would be the position of the government of the United States then towards these two States, and also towards the republic of Mexico?

In that event would not the faith of this nation stand irrevocably pledged by a solemn treaty with a foreign power to interpose and abolish slavery within the limits of these two sovereign States of the Union, and that, too, in direct and palpable violation of the constitution of the United States? What would, what could this nation have done in this contingency? Would she have kept her faith and redeemed her pledge to Mexico? If so, it could only have been done by a ruthless invasion of the acknowledged rights and sovereignty of two of the independent States of the Union, by a deliberate and wanton violation of the constitution of the United States. I invoke the Wilmot Proviso men (said Mr. D.) to inform the country what they would have done, if they had succeeded with their mad scheme, and Mexico had made her demand upon this government to have preserved its faith by executing that portion of the treaty? Would the President of the United States have been required to march the armies of the republic into the States of California and New Mexico, and there with fire and sword have abolished this peculiar institution by freeing the blacks and enslaving the whites? Or would they have dissolved the Union with the bayonet by forcibly turning these States out and sending them back to Mexico in pursuance of the Wilmot Proviso clause of the treaty? The one or the other of these alternatives they would have been required by their own scheme to have taken. Either would have led to consequences from the very thought of which the stoutest heart shrinks with horror. Or would they have said to Mexico that this solemn pledge of a nation's hand, the giving of which constituted "the express and fundamental condition" upon which we received this vast domain, filled with exhaustless treasures, was never intended to have been kept, and that she ought to have so understood it at the time; that it was a mere partisan scheme gotten up by their allies in this country for their benefit, in order to prevent the acquisition of any territory and to compel the administration of President Polk to back out of the war in disgrace and without indemnity?

It will doubtless be said that all the damages and difficulties to which allusion has been made, as likely to have grown out of the adoption of the Wilmot Proviso, were imaginary and groundless, for the reason that slavery would never have been introduced into California or New Mexico.

Mr. D. agreed entirely with that view of the subject, and for that reason could see no excuse for embarrassing the administration, and the prosecution of the war, and the conclusion of a treaty of peace by insisting upon the Proviso. This was an admission that the Proviso was not intended to prevent the extension of slavery merely, and was not necessary for that purpose, but had some deeper and darker design hidden under the disguise of this negro fanaticism.

But if the real object of the Proviso was to prevent the extension of slavery, and if slavery would have gone there but for its adoption, then the conclusion was irresistible that all the disastrous consequences would have flowed from it to which reference had been made, and the President would have been called upon to have made war upon those States with the army and navy. For these reasons Mr. D. denounced the Wilmot Proviso as a measure which proposed to pledge the faith of the nation to do an act in a certain event, which would be in direct violation of the constitution of the Union; which constitution, every man voting for the Proviso had previously taken a solemn oath to defend and preserve inviolate.

One of Mr. D.'s colleagues (Col. McClernand) had also made an able constitutional argument, upon the ground that it was an attempt on the part of the House of Representatives to interfere with the treaty-making power, which, by the constitution of the United States, was vested in the President and Senate. The different branches of the government are invested by the constitution with their peculiar and appropriate duties, and each is expressly prohibited from interfering with those which pertain to the other.

The power to make treaties was lodged in the President and Senate, with no authority given to the House of Representatives to direct, control, or restrain the free exercise of their constitutional functions, in any manner whatever. And yet there was an attempt by the House of Representatives to interfere and dictate to the President and Senate a particular clause to be inserted in the treaty. The scheme became more insidious and mischievous, when it was seen that a bare majority in the House and Senate were to dictate the terms of a treaty, which, under the constitution, could not be ratified short of a vote of two-thirds.

If the Wilmot Proviso could be forced into the treaty in this irregular and unconstitutional manner, it was known that the treaty could never receive the sanction of two-thirds of the senators, for the Senate was equally divided between the free and slave States, and, of course, no senator representing a slave State could be expected to vote for the ratification of a treaty acquiring territory with such a condition annexed. Hence the adoption of the Wilmot Proviso was well understood to be a decision against the acquisition of any territory from the republic of Mexico, by way of indemnity or otherwise. It received the combined support of the enemies of the war, of the opponents of territorial acquisition, and of the disappointed politicians who were anxious to prostrate the administration of President Polk, from motives of revenge and private griefs.

If the votes in committee of the whole, of which, by the rules of the House, no journal is kept, could have been recorded and published to the world, they would have presented a strong and startling spectacle. There would have been found southern whigs and northern abolitionists, northern whigs and disaffected democrats, pressing between the tellers, arm in arm, in favor of fastening the Wilmot Proviso upon the two-million bill, with the view of forcing it into any treaty which might be concluded for the acquisition of territory, with the certain knowledge that it must necessarily result in the rejection of the treaty and the defeat of the acquisition. Some of the evidences of this coalition between southern slave holders and northern abolitionists to defeat the annexation of California and New Mexico, by the adoption of the Wilmot Proviso, appear upon the journal of the House, upon the third reading of the bill, which was to test the vote of its passage.

Mr. D. then read the vote from the journal, to show that the anti-war and anti-territory men had united with the abolitionists in favor of the Wilmot Proviso, and pointed out the names of John Quincy Adams, Charles Hudson, and Julius Rockwell, of Massachusetts, recorded side by side with the names of Henry Grider and William P. Thomasson, of Kentucky, in favor of the Proviso. All the southern whigs who had voted for the Proviso in the committee, where their names could not be recorded, were not bold enough to register their names among the yeas and nays in the House; and hence it is that so many of them seem to have been absent and not to have voted at all. But the journal shows enough to convince every impartial mind of what every man who was present knows to have been the fact: one of the chief objects of the Proviso was to embarrass the administration in the prosecution of the war, and at the same time to prevent the conclusion of any treaty of peace by which territory could be acquired or indemnity secured. The allied forces were strong enough to carry the measure through the House of Representatives, over the heads of the real supporters of the war and the friends of the administration.

The Illinois delegation, with the exception of Mr. Wentworth, stood firm and united in opposition to the measure. Hopes were entertained of amending the bill in the Senate by striking out the proviso, and passing the bill without it; but all will recollect that, it being on the last day of the session, Senator Davis, of Massachusetts, spoke against it until the hour of adjournment arrived, and thus defeated it for want of time to act. It is due to the gentlemen who then represented Illinois in the Senate, and both of whom were now present, to say that they were firm and decided in their opposition to the Proviso, and in their desire for the passage of the bill without it. Thus all hopes of terminating the war that season, by the conclusion of an honorable peace, and securing a just indemnity, were destroyed by this cunningly devised scheme, called the Wilmot Proviso. The prosecution of the war was renewed with increased vigor, and the battles of Monterey, Buena Vista, Vera Cruz, and Cerro Gordo followed, until President Polk, at the next session, renewed his application to Congress for an appropriation of three millions of dollars, to enable him to make a treaty of peace which would be honorable and satisfactory to both nations. The Wilmot Proviso was attached to this measure also, by the same combination which had fastened it upon the other, and of course the appropriation was defeated. During all these trying conflicts Mr. D. had justified and sustained the war, and had supported the administration of President Polk in all its efforts for a vigorous prosecution of the war, and for a speedy and honorable peace. He had resisted the Wilmot Proviso with all his energy, and felt no sympathy with the allied forces who, by the artful use of that insidious measure, were attempting to prostrate the administration, and with it the democratic party, by embarrassing the prosecution of the war, and, at the same time, preventing the conclusion of an honorable peace, and thus forcing this proud republic to withdraw its armies, and back out of the contest in dishonor. He had no sympathy with any such movement, nor with those who, by such a movement, were willing to disgrace their country in the eyes of all Christendom, in order to secure a petty partisan triumph over a political adversary. After Mr. D. had given the votes to which he had referred, and while he was following out the line of policy he had indicated, he was honored in his absence by an election to the Senate of the United States, under circumstance particularly gratifying to his feelings, and for which he felt profoundly grateful. In the meantime, the President, finding himself unable to procure from Congress an appropriation of money to enable him to form a treaty and pay the first instalment for any territory he might acquire, determined to make the experiment of negotiating upon a credit, subject, of course, to the ratification of the Senate, and trusting to Congress to make the appropriation after California and New Mexico should have been annexed, and when the Wilmot Proviso would have become obsolete. Hence Mr. Trist was sent to Mexico with the draught of a treaty containing the terms upon which our government was willing and desirous to terminate the war. The government soon becoming dissatisfied with the conduct of Mr. Trist, revoked his authority, and ordered him immediately to return to his own country. He refused obedience to this order, and persisted in making what purported to be a treaty in violation of his instructions and without the slightest authority to bind our government. When this piece of paper, entitled "the Trist Treaty," was forwarded to the President, he laid it before the Senate as a private and unofficial communication, containing the terms upon which Mexico was willing to make a treaty with us, and asking the advice of the Senate, stating at the same time that some of the provisions were entirely inadmissible. Upon the first reading of this document it was evident that it could never receive the approval of the Senate without such modifications as to materially change its whole character. It was taken up and examined carefully, article by article in their order. Some articles were entirely stricken out, others were amended, and new provisions were inserted, until it was finally put in such a shape that it received the sanction of the Senate by the constitutional majority. Among the amendments which were proposed and voted down was the Wilmot Proviso. Mr. D. opposed the Proviso there as he had repeatedly voted against it in the House of Representatives. Obnoxious as the first treaty was, and unwilling as he was to give it the slightest countenance, yet he was free to confess that it possessed one merit, and that was that it did not contain the Wilmot Proviso. When this document had undergone such changes and modifications as to be acceptable to two-thirds of the Senate, it was ratified. Mr. Sevier, of Arkansas, and Mr. Clifford (the Attorney General) were appointed ministers plenipotentiary and envoys extraordinary to proceed to Mexico and present it to that government as the terms upon which our government was willing to terminate the war and make peace. It is well known that Mr. Sevier, and, indeed, the administration generally, entertained serious doubts whether Mexico would consent to all the amendments which our Senate had made to the first treaty. These doubts were freely expressed on the floor of the Senate, and urged as arguments against the adoption of some of the amendments, especially the one relating to the Catholic church in New Mexico and California. While Messrs. Sevier and Clifford were in Mexico endeavoring to procure the assent of the government of that country to the treaty, as amended, and before the result of their labors were known, Mr. D. passed through New Orleans on his way to Mississippi on business of an urgent character, and remaining in the city one night, was invited to address a democratic mass meeting. In that speech he spoke in strong terms of the opponents of the war, and of the insidious schemes by which its vigorous prosecution had been embarrassed and obstructed, and among these he denounced the Wilmot Proviso as the most dangerous and mischievous. Mr. D. had not revised or authorized the report which was published of that speech, nor was he certain that he had ever read it. But he took no exception to any report of it which may have been published, so far as the Wilmot Proviso was referred to. He did denounce the Wilmot Proviso as a mischievous and wicked measure—one which he had ever opposed and would never support, not even under the pressure of instructions.

If there was any gentleman present who thought that the language now used was not as strong as that employed on that occasion, and would suggest any form of words which would express a more firm and uncompromising opposition to that measure, Mr. D. would take great pleasure in accepting the amendment, and repeating the declaration as amended. He spoke of the Wilmot Proviso as proposed by Mr. Wilmot of Pennsylvania, as adopted by the House in 1846, and again in 1847, and as proposed and rejected in the Senate in 1848, a few weeks before his speech was made, and as it would doubtless come before him again as an amendment to another treaty in the event that Messrs. Sevier and Clifford should fail in procuring the assent of Mexico to the one they were then negotiating. He spoke of that insidious and mischievous measure which had been so successfully used to embarrass and prolong the Mexican war, to prevent the conclusion of a treaty of peace upon any other terms than those which would have been derogatory to the character of our country, and insulting to our soldiers who had so gloriously fought her battles. Mr. D. was detained by family afflictions from his seat in the Senate for nearly two months, and on his return he found the Senate engaged in the discussion of a bill for the government of the territories, usually known as the Clayton compromise. The mission of Messrs. Sevier and Clifford had been successful, Mexico had assented to the terms of peace prescribed by the Senate of the United States, the exchange of ratifications had taken place, and the territories of California were then ours by an unconditional and undisputed title. The Wilmot Proviso had breathed its last gasp, and died its eternal death, when the treaty was ratified, and the ratifications exchanged between the two countries, without containing that "express and fundamental condition" in relation to slavery. But while the friends of the administration and of the country had achieved this glorious triumph in securing California and New Mexico by an unconditional title, with authority to govern and dispose of it as we should see proper under the constitution of the United States, yet the allied forces determined to keep up the agitation for political and partisan purposes, upon an entirely different question under the same name. It was then insisted that, inasmuch as the Wilmot Proviso had not been incorporated into the treaty acquiring the territory upon the express and fundamental condition that slavery should never exist therein, Congress should at least pass a law prohibiting slavery in the territory while it remained such, and leaving the people to do as they pleased when they should be received into the Union as States. Many northern members, and several from our own delegation, who had firmly resisted the Wilmot proviso from the day it was first proposed by Mr. Wilmot up to the day when it received its death-blow by the exchange of the treaty of peace, thought it better to adopt a simple prohibition of slavery in the territories, inasmuch as they entertained no doubt of their constitutional power to do so; and had frequently voted to exercise it long before Mr. Wilmot was ever heard of. Mr. D. saw no necessity even for the exercise of that power—certain he was that it was not necessary in order to prevent the extension of slavery. By the universal acknowledgment of all intelligent men, the whole country was then free—free by law—free in fact. It was free by the fundamental law of the land—by the constitution of the Republic of Mexico—by the laws passed in pursuance thereof; which laws were then in force, and must forever remain valid under the treaty of peace, according to the laws of nations and the decisions of the Supreme Court of the United States, until repealed by competent authority. As a question of policy, therefore, on the part of those who desired to prevent the extension of slavery, non-interference was the true doctrine. Some of the southern members denied the constitutional right, and all of them the right of any Congressional interference. According to this doctrine, they were estopped from voting to repeal the prohibition of slavery, which we acquired by the covenant running with the soil, and which is now in full force in that country. With the South, the doctrine of non-interference was a matter of principle—with the North, it should have been one of policy as well as principle, and the result of this doctrine must inevitably have been the establishment of freedom in all our territories. This was the principle of the Clayton bill. It was prepared and reported to the Senate by a special committee appointed for that purpose, representing every section and shade of opinion, and entertaining individually the most extreme and adverse sentiments in regard to the institution of slavery. A bill prepared under these circumstances and coming from such a committee, was entitled to some consideration and respect. And yet, after this bill had passed the Senate by a large majority, when it arrived in the House the allied forces who had been fighting for two years under the banner of the Wilmot Proviso, refused to allow it to be even once read, that they might see what it was.

That this contemptuous treatment of that bill had its origin in a conscientious indignation against the extension of slavery is preposterous, when it is remembered that the motion to lay it on the table was made by Mr. Stephens, of Georgia, who subsequently made a speech in justification of his motion, and denounced the bill as worse than the Wilmot Proviso, and said that if it had become a law, the whole country must necessarily have remained free forever. While Mr. Stephens and his associates in the South gave these reasons for opposing the Clayton bill, their northern confederates denounced it as a scheme gotten up by southern slaveholders and northern dough-faces for the purpose of extending slavery; whereas, few will now have the hardihood to say that the real motive for defeating the Clayton bill was to keep the question open during the presidential canvass for the joint benefit of the whigs, abolitionists, and free-soilers, in order to enable them, by their combined efforts, and in pursuance of a preconcerted plan of operations, to defeat General Cass, and elevate General Taylor to the presidency. After the Clayton bill had been defeated, the House passed, and sent to the Senate, an Oregon territorial bill, containing a clause prohibiting slavery in that territory. They did not include California and New Mexico in the bill, for that would have settled the whole slavery question, and defeated all their schemes for controlling the presidential election. They chose to leave the people of these territories without a government, and exposed to all the horrors of anarchy and violence, rather than to lose the advantages of the slavery agitation in the presidential campaign. The same vote which passed the bill for Oregon could have passed it for New Mexico and California, if the object had been to give the people a government, and at the same time prohibit the institution of slavery. So California and New Mexico were left unprovided for, and the Oregon bill sent to the Senate. Mr. Douglas moved to amend the bill by incorporating into it the Missouri Compromise, in order to settle the slavery question forever upon the continent of America, and give to all the territories the benefits of a civil government. The Senate sustained his motion by a large majority, and sent the bill, as amended, back to the House for their consideration. The allied forces in the House refused to agree to the Senate's amendment, and sent the bill back to the Senate in its original shape. The question was then distinctly presented, whether the Senate should defeat the bill because it contained an unnecessary and useless provision, and thereby leave the people of Oregon unprotected, as the House proposed to leave the people of New Mexico and California, or whether we should pass it with that provision in it. Mr. Douglas did not hesitate to vote for the bill with that clause in it, rather than to leave the people of that distant territory without a government. He would have preferred to have had that clause stricken out—not that he expected or desired slavery to go there, for everybody knew that there was not the slightest possibility of that; but because it was unnecessary, and offensive to our southern friends for the reason that it was unnecessary. Slavery was already prohibited in the territory. The people had framed for themselves a provisional government, and in that organic law had expressly prohibited slavery. Mr. D. had examined the journals of that Oregon government, and found that this provision had been adopted by a unanimous vote. It had been many years in force, and no attempt had ever been made to repeal it. The territorial bill, for which he was then called upon to vote, contained a clause prepared by himself, continuing in force this and all other laws adopted by the people of Oregon, subject, however, to be repealed by them. He thought that this prohibition was sufficient, without adding another on the top of it in the same bill. The proposition to add another to this looked as if it was designed to irritate and alienate our southern friends rather than to accomplish any practical good. It had the appearance of being done for the purpose of keeping up the agitation and increasing the excitement with a view to political results. He had no sympathy in the movement. He believed the agitation was wrong—that it was not prompted by motives of humanity and philanthropy, much less from any fear of the extension of slavery.

The great mass of the people at home were, doubtless, influenced by these motives; but not so with those who were playing this desperate political game upon the floor of Congress. They were exciting and trifling with the moral affections and religious sentiments of their constituents, by representing that there was danger when they knew that there was no danger. They were zealous in producing the belief that slavery would certainly be introduced into Oregon unless Congress should pass a law prohibiting, when they knew the fact that the people have already prohibited it, and were unanimously opposed to it. The same representations were made in regard to California and New Mexico, with the knowledge that slavery was already prohibited there by law, and must forever remain prohibited, unless repealed. If one prohibition was not sufficient, a dozen would not be. If it be said that the people would resist or evade this law, the answer is that they could resist or evade another with the same ease and facility. But of this, every intelligent man knew there was no probability. We have never doubted that the people of California would decide this question just as Oregon had done if left to themselves to do as they please. He had great faith in that great fundamental principle, upon which all free governments rest, that the people were capable of self-government. This principle seems to be universally acknowledged now so far as it relates to the government of the white man. But there seems to be a prevailing sentiment in the minds of a portion of the community that while the people are fully capable of making