EDITED BY
THOMAS RITCHIE.

TERMS:

DAILY, per year, - - - -	$10 00
SEMI-WEEKLY, (published tri-weekly during the session of Congress) - - - - -	5 00
WEEKLY - - - - - -	2 00
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Ten copies of the " - - - -	15 00

The Daily Union.

VOLUME VI. "LIBERTY, THE UNION, AND THE CONSTITUTION." NUMBER 71.

CITY OF WASHINGTON, WEDNESDAY MORNING, JULY 24, 1850.

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CONGRESSIONAL.

DEFERRED DEBATE.

THURSDAY, JULY 18, 1850.

SENATE.

CALIFORNIA—TERRITORIAL GOVERNMENTS—ADJUSTMENT.

The Senate having under consideration the bill for the admission of California into the Union, the establishment of territorial governments for Utah and New Mexico, and making proposals to Texas for the settlement of her northern and western boundaries—

Mr. HUNTER having concluded his speech, (published in this paper yesterday:)—

Mr. FOOTE said: Mr. President, I have so repeatedly declared my desire to abstain from all further discussion of this measure, that none will be surprised at my saying that I rise to speak at this moment very unexpectedly indeed; called upon to do so, as I think, by the speech of the honorable gentleman from Virginia [Mr. HUNTER,] who has just taken his seat—a speech which, considered in all its bearings, its exceeding *ripeness* both as to thought and expression, its bold assumptions, its wonderful subtlety of ratiocination, its elaborate ornateness, and the extraordinary confidence with which it was delivered, is, in my judgment, one of the most extraordinary parliamentary phenomena that has made its appearance here at any time; and, indeed, is precisely such a speech as I did not expect from any one at so late a stage of our deliberations, and for which we were certainly not quite prepared—since the honorable senator from Virginia has been so profoundly quiet heretofore when this measure was under consideration, and seemed to manifest not the slightest disposition in the world to take an active part in the discussion which has been for so many weeks going on in his hearing. Well, sir, the honorable gentleman has at last broken his ominous silence; he has at last disclosed his views, purposes, and wishes in full, with extraordinary deliberation, and not, as I should judge, without much previous meditation and formal preparation too; and now the duty has devolved upon me—that is to say, I feel it to have become my duty to respond to this well-digested discourse, upon the spur of the moment, and without an instant being allowed me for preparation of any sort, ere I enter the arena with so potent an adversary. I wish I had seen some other friend of the bill making ready for the combat, as I should gladly have been spared the task to the performance of which I shall now address myself. The honorable senator from Virginia seems to be more or less dissatisfied that I have undertaken, on this occasion, to call upon you to enforce the rules of order against him, by confining him to a discussion of the precise question before the Senate. I really think that he ought to feel much indebted to me on this account; since, notwithstanding, the interposition complained of, he has been able to take a most extended range of remark, and it may be well supposed that, had he been allowed to be yet more discursive, his speech would have been deficient in that concentrated vigor which characterizes it so eminently.

Now, sir, almost the only part of the speech of the honorable gentleman which I wish to notice, is what he said on the subject of *non-intervention*. Indeed, it would seem, sir, that some honorable gentlemen might be occupied for a century in endeavoring to find out what non-intervention is, without being a whit wiser on the subject at the end of that period than they were before they ever heard the term employed—in the political sense in which the country generally understands it. It is certain that the honorable gentleman from Virginia has this morning given us a definition of non-intervention which is altogether new, and wholly different from that which has been affixed to it heretofore by those who have most considered the matter. For my part, I am quite willing to adhere to the teachings of that illustrious personage with whom this doctrine of non-intervention in part originated, who, though now dead, is not the less entitled to deferential respect from his professed followers, than when living. Of course I allude to Mr. Calhoun, between whom and the senator from Virginia it is well known that the closest amity subsisted, and the most confidential political intercourse. Indeed, I might well say, without giving the least offence to the honorable gentleman from Virginia, which I am very far certainly from intending, than no man in the country has been so emphatically recognised as a *disciple* of this great southern statesman as himself. He therefore ought, as I think, to be the last man in the country to treat the authority of Mr. Calhoun with open contempt, especially in that hall of deliberation of which he was so recently a distinguished ornament. And yet such is the fact, as I regret very much to say. The honorable gentleman has forsaken the doctrine of non-intervention, as expounded by Mr. Calhoun, and now urges that it is altogether consistent with non-intervention, as he understands it, that Congress should intervene, by positive legislation, in behalf of the South, in order to facilitate the introduction of slavery into our newly-acquired Territories. Yes, sir, he contends that it is the duty of Congress to give *special protection*—ay, *protection* was the word—to the property-rights of slaveholders in the Territories over and above that which is already afforded by the constitution itself.

On a late occasion here, sir, I asserted, and proved, I am sure, to the satisfaction of all, that Mr. Calhoun was the original asserter of the doctrine of non-intervention, and its zealous and efficient expounder up to the moment of his last appearance here. As what I then said, and the evidence which I then adduced, seem not to have yet wrought conviction in the minds of several gentlemen whom it always pains me to see involved in error upon any of the great public questions of the day, I shall again trouble the Senate with certain extracts from Mr. Calhoun's published writings and speeches, which I am sure will remove all doubt as to his claim to be regarded as the author and propagator of the doctrine of non-intervention, now so fiercely denounced by not a few of his favorite disciples. On the 19th day of January, 1847, Mr. Calhoun, in this chamber, in speaking of the Missouri compromise line, said:

> Sir, here let me say a word as to the *Compromise line. I have always considered it as a great error, highly injurious to the South, because it surrendered, for mere temporary purposes, those high principles of the constitution upon which I think we ought to stand.*

Again he says, in the same speech:

> *I see my way in the constitution; I cannot in a compromise. A compromise is but an act of Congress. It may be overruled at any time. It gives no security. But the constitution is stable. It is a rock. On it we can stand. It is firm and stable ground, on which we can better stand in opposition to fanaticism, than on the shifting sands of compromise. Let us be done with compromises. Let us go back and stand upon the constitution.*

This, sir, is precisely what we have endeavored to do in this bill of adjustment. We have gone back to the constitution, and now stand upon it in support of a measure drawn up with a strict regard to its sacred provisions, and simply designed to carry those provisions into effect. Again, said Mr. Calhoun, on a most signal occasion in this hall, when the Oregon bill was before us, and the two great parties of the country were organizing themselves anew for the presidential contest then just about to commence—I beg gentlemen to listen to one of the earliest and clearest expositions of that non-intervention doctrine upon the basis of which this bill has been framed—these were, then, Mr. Calhoun's words:

> But I go further, and hold that justice and the constitution are the easiest and the safest ground on which the question can be settled, regarded in reference to party. It may be settled on that ground simply by non-action—by leaving the Territories free and open to the emigration of all the world so long as they continue so; and when they become States to adopt whatever constitution they please, with the single restriction to be republican, in order to their admission into the Union. If a party cannot safely take this broad and solid position, and successfully maintain it, what other can it take and maintain? If it cannot maintain itself by an appeal to the great principles of justice, the constitution, and self-government, to what other, sufficiently strong to hold them in public opinion, can they appeal? I greatly mistake the character of the people of this Union if such an appeal would not prove successful, if either party should have the magnanimity to step forward and boldly make it. It would, in my opinion, be received with shouts of approbation by the patriotic and intelligent in every quarter. There is a deep feeling pervading the country that the Union and our political institutions are in danger, which such a course would dispel.

Listen to what he said in the same speech upon the delicate question so zealously debated this morning by the honorable senator from Virginia. Notice, I pray you, whether he asked, as the senator, from Virginia does on this occasion, for the special protection of an act of Congress in behalf of rights of property already amply secured by the constitution itself. Mr. Calhoun said:

> There is a very striking difference between the position in which the slaveholding and non-slaveholding States stand in reference to the subject under consideration. The former desire no action of the government; demand no law to give them any advantage in the Territory about to be established; are willing to leave it, and other Territories belonging to the United States, open to all their citizens, so long as they continue to be Territories, and when they cease to be so, to leave it to their inhabitants to form such governments as may suit them, without restriction or condition, except that imposed by the constitution, as a prerequisite for admission into the Union. In short, they are willing to leave the whole subject where the constitution and the great and fundamental principles of self government place it. On the contrary, the non-slaveholding States, instead of being willing to leave it on this broad and equal foundation, demand the interposition of the government, and the passage of an act to exclude the citizens of the slaveholding States from emigrating with their property into the Territory, in order to give their citizens, and those they may permit, the exclusive right of settling it, while it remains in that condition, preparatory to subjecting it to like conditions and restrictions when it becomes a State.

Sir, the difference pointed out between the slaveholding and non-slaveholding States, in regard to the legislative intervention of Congress in the matter of slavery in the Territories, exists no longer. A senator from the Old Dominion herself, of the State rights, strict-construction school, formerly a zealous non-interventionist, now cries out for intervention. He asks Congress for the passage of a law which, by his own account of it, is to give to the South in the Territories, in regard to the question of domestic slavery, an advantage over the North. He who was one of the ablest champions against the Wilmot Proviso intervention principle, has now clearly become the advocate, in another form, of that very principle. Sir, I am profoundly grieved at observing this utter abandonment of the great and fundamental principle for which we fought so gallantly, though unsuccessfully, in 1848. I am most seriously mortified that this claim of "protection" for a great constitutional right by act of Congress emanates from a senator from my native State; that it is a senator from Virginia that asks Congress to legislate on the subject of slavery in the Territories. Sir, is this standing upon the rock of the constitution? Is this an appeal "to the great principles of justice, the constitution, and self-government?" Is it possible that the senator from Virginia does not perceive the danger which lurks in such legislation as he now invokes to our whole system of domestic slavery in the South? Does he not see that when Congress shall once have legislated on this subject for the benefit of the South, there will be no preventing the majority of its members, who must always be hereafter from the non-slaveholding States, from legislating for the overthrow of slavery everywhere in the States, and in the District of Columbia, as well as in the Territories? Let this Pandora's box be once opened, and God only knows what ruin is to come upon the South. Peculiarly inglorious will it be for her if she shall fall by the mistaken policy of her own chosen champions upon this floor.

Sir, the senator from Virginia demands *protection* from Congress for the *constitutional* rights of his constituents. The senatorial representative of a sovereign State craves protection from this government of limited powers for rights that existed before the constitution itself was formed, and whose claim to continued existence is recognised in the organic law of the republic. Why, sir, does he not discover that he is warring most mischievously upon State rights and State dignity? Indeed, I fear that all the doctrines once so highly venerated, of the State-rights school of Virginia, are about to fall into contempt and oblivion. Sir, *protection* is granted by the strong to the weak, by the superior to the inferior; and with my notions of State dignity and constitutional rights, I should scorn to supplicate Congress for the protection of any of those rights of property which are guarantied by the constitution itself. I can assure the honorable senator from Virginia that the tone of public sentiment in the South is much more elevated on this subject than he seems to regard it. But let me now recur for a moment to the doctrines set forth in the far-famed Southern Address, of which Mr. Calhoun is the known author. Sir, my honorable friend from Virginia will allow me to say that he and I have a peculiar responsibility in connexion with that meeting of the southern senators and representatives in this chamber in which the Southern Address originated; for in truth he and myself got up that meeting, having summoned together all who afterwards assembled for the purpose of devising suitable means of defending the South from threatened aggressions, and rescuing the Union from overthrow. I read from the address, on the subject of non-intervention, as follows:

> What we propose in this connexion is, to make a few remarks on what the North alleges, erroneously, to be the issue between us and them.
>
> So far from maintaining the doctrine which the issue implies, we hold that the federal government has no right to extend or restrict slavery, no more than to establish or abolish it; nor has it any right whatever to distinguish between the domestic institutions of one State or section and another, in order to favor the one and discourage the other. As the federal representative of each and all the States, it is bound to deal out, within the sphere of its powers, equal and exact justice and favor to all. To act otherwise, to undertake to discriminate between the domestic institutions of one and another, would be to act in total subversion of the end for which it was established—to be the common protector and gardian of all. Entertaining these opinions, we ask not, as the North alleges we do, for the extension of slavery. That would make a discrimination in our favor as unjust and unconstitutional as the discrimination they ask against us in their favor. It is not for them nor for the federal government to determine whether our domestic institution is good or bad, or whether it should be repressed or preserved. It belongs to us, and us only, to decide such questions. What, then, we do insist on is, not to extend slavery, but that we shall not be prohibited from emigrating, with our property, into the Territories of the United States, because we are slaveholders; or, in other words, that we shall not on that account be disfranchised of a privilege possessed by all others, citizens and foreigners, without discrimination as to character, profession, or color. All, whether savage, barbarian, or civilized, may freely enter and remain, we only being excluded.

Now, sir, I propose to recite a short but pertinent anecdote connected with that portion of the address just read. When the whole address had been reported to the meeting by Mr. Calhoun, as chairman of the committee, upon whom we had devolved the task of preparing it, certain southern gentlemen objected to the part just cited, because it asserted this same non-intervention doctrine. Those gentlemen insisted that we should, in some mode or other, either in the address, by resolution, or otherwise, declare our desire to obtain special protection for slaveholding rights in the Territories, inasmuch as they conceived that the Mexican law abolishing slavery was still in force therein, and would operate as an obstruction to the establishment and maintenance of slavery in the Territories, unless we provided specially for the annulment of that law by the action of Congress. These gentlemen were certainly sufficiently consistent with themselves on this subject. But what was the course pursued by those of us who then maintained the non-intervention doctrine, and who afterwards, under Mr. Calhoun's lead, subscribed and sent forth the Southern Address? Why, sir, we insisted that the Mexican law abolishing slavery was already a nullity, and avowed the opinion that all that the South could honorably ask or receive was to be let alone, and not be interfered with by the action of Congress at all, relying as we did, in Mr. Calhoun's memorable language, upon "the great principles of justice, the constitution, and self-government." And this doctrine of the nullity of the Mexican law has been constantly maintained here by distinguished southern gentlemen, including the honorable senator from Georgia, [Mr. BERRIEN,] my own colleague, and a large number of others, who seem now to apprehend that this same law may have been imbued, by some mysterious process or other, with new vitality.

One more extract only shall I present in explanation of the views entertained by Mr. Calhoun upon this momentous subject. I shall again bring to the notice of the Senate his famous resolution of 1847, with a portion of his comments thereupon. Here is the resolution:

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

The following is Mr. Calhoun's language in support of his resolution:

> Mr. President, not only is that proposition grossly inconsistent with the constitution, but the other, which undertakes to say that no State shall be admitted into this Union which shall not prohibit by its constitution the existence of slaves, is equally a great outrage against the constitution of the United States. Sir, I hold it to be a fundamental principle of our political system, that the people have a right to establish what government they may think proper for themselves; that every State about to become a member of this Union has a right to form its own government as it pleases; and that, in order to be admitted, there is but one qualification, and that is that the government shall be republican. There is no express provision to that effect, but it results from that important section which guaranties to every State in the Union a republican form of government. Now, sir, what is proposed? It is proposed, from a vague, indefinite, erroneous, and most dangerous conception of private, individual liberty, to overrule this great common liberty which the people have of framing their own constitutions! Sir, the right of self-government on the part of individuals is not near so easily to be established by any course of reasoning as the right of a community or State to self-government. And yet, sir, there are men of such delicate feeling on the subject of liberty—men who cannot possibly bear what they call slavery in one section of the country, although not so much slavery as an institution indispensable for the good of both races—men so squeamish on this point, that they are ready to strike down the higher right of a community to govern themselves, in order to maintain the absolute right of individuals in every possible condition to govern themselves!

Now, sir, I am done for the present with non-intervention, its advocates, and opponents. I desire, before I bring my remarks to a close, to offer a few observations of a somewhat miscellaneous character.

The honorable senator from Virginia is of opinion—and so urges, accordingly—that there cannot be any criminality in an "over-pious zeal" in behalf of the rights of the South. I will acknowledge this to be true, if such zeal be in truth a *pious* zeal.

Mr. HUNTER. I said a pious zeal in defence of the constitution.

Mr. FOOTE. I understood the senator to be alluding to the constitutional right of the South, at the time that he thus alluded to an over-pious zeal, and therefore my quotation of him would seem accurate enough.

Mr. HUNTER. I said in defence of the constitution.

Mr. FOOTE. I understood the senator to use the language I quoted. But I will give him his own expression "there is nothing criminal in an over-pious zeal in defence of the constitution."

I admit this to be true. But it may be quite indiscreet, and dangerous withal to the public weal, for gentlemen in high station to allow themselves to be too far transported by a zeal which may be rightfully called a pious one. The spirit in which the crusades originated was a pious spirit. An over-pious zeal, in a certain sense, has caused the persecution, and martyrdom even, of millions of innocent men and women for the conscientious entertainment and avowal of certain religious opinions. A zeal, deemed pious, in behalf of constitutional rights, may be productive of civil war and all its unnameable horrors of bloodshed, ravage, and desolation. And so it may happen—and I am inclined to think has actually happened in this country at the present time—that in the two opposite sections of this confederacy an exorbitant zeal in behalf of particular political opinions has put our fair institutions in serious jeopardy, and even now menaces the republic with destruction. Sir, I shall not now speak particularly of the fanatical movements of the North; I have frequently done so heretofore, in language of abhorrence and contempt which could not be misunderstood.

I entertain just the same views in regard to the conduct of the abolition mischief makers who have been guilty of acts of aggression that justly called forth a spirit of manly resistance in the South for the protection of the dearest rights of freemen. Confidently believing that *political abolition* will utterly cease to exist if we can pass this bill, I shall turn my attention at present to the danger which menaces the Union in another quarter of the republic. Sir, I wish to be recognised as one of those who warmly approved the assemblage of the Nashville Convention. On various occasions have I defended this movement on the part of the southern States, and repelled the charge that this convention was called into existence for disunion purposes. I have permitted no opportunity to escape me of vindicating the motives of those high-spirited and patriotic men in my own State with whom the scheme of calling a general southern convention at Nashville is understood to have originated. Before the assemblage of that body I predicted that its proceedings would be marked with dignity, with true patriotic feeling, and with discretion. Well, sir, the Nashville Convention has assembled and adjourned, and both the resolutions and address adopted by it have been made the subject of free remark both here and elsewhere. I may as well state frankly what I think about the matter. To be brief, I approve the resolutions very highly. The Address, too, though somewhat feeble in its reasonings, deficient in that masculine vigor of expression, and that classic elegance of phraseology which we had a right to anticipate, is, perhaps, not justly liable to as serious objections as I have heard stated in regard to it. It certainly breathes a decided disunion spirit, and speaks far too lightly of that sacred thing—the *union* of these sovereign States. But no man will ever convince me that there were many real disunion men in the Nashville Convention; and it is with a proud satisfaction, difficult to be expressed, that I assert that not a single delegate from the State of Mississippi is justly chargeable with having avowed disunion sentiments at any time. That there were disunionists there though (I regret to acknowledge it,) is a fact which cannot be denied; for several gentlemen, who acted a prominent part in the convention, are understood to have unfurled the flag of disunion since the convention adjourned. It is quite an unfortunate fact, and one likely to expose men innocent of the treason of disunion, that even the acknowledged draughtsman of the Address (I allude, of course, to Mr. Rhett, of South Carolina,) has judged it allowable and right to disburden himself of the rankest disunion sentiments, in a formal address to the good citizens of Charleston, since his return from the convention. I still more deeply regret being compelled to make the confession that this gentleman and his allies seem to have already diffused a spirit of disaffection to the Union, and of hostility to all adjustment of the irritating questions at present under consideration here, throughout most of the populous settlements of this patriotic and high-spirited State. I am far from charging or believing that the mass of the population of South Carolina have yet resolved upon disunion; but there are too many indications of the extensive spread of the disunion spirit through most of the densely-settled parts of the State to allow a doubt as to the intention of very many persons in South Carolina to resort to secession as a remedy for existing grievances. Well, sir, believing that there is nothing in the existing state of things to justify such extreme measures on the part of any portion of the South at this moment, and cherishing the confident opinion that we have it in our power at this time, without further delay, to secure to the South all that has been heretofore desired on the subject of slavery, I must be permitted to say that I have no language at my command strong enough to express my abhorrence of the acts to which I am referring. Were there any danger of the adoption of the Wilmot Proviso, or that slavery would be abolished in the States, or in the District of Columbia, or that other infractions of our constitutional rights in connexion with our domestic institutions in the South, were about to occur—were there even a strong probability of either of the offensive measures alluded to being resorted to for our injury, then, indeed, I might, and doubtless should, hold very different language. But we all know and feel that, within the last two years, a great and salutary change has occurred in the temper and feeling of our northern brethren towards us and our institutions; that this gratifying change is still going on; and that there is no longer any possibility of such aggressions as those with which we were formerly threatened. Under such circumstances I hold it to be indiscreet, and criminal in the highest degree, for any southern man to attempt to deepen the excitement in the South, upon this most delicate and irritating question. Sure I am that if such sentiments as Mr. Rhett and others are reported to have expressed since the adjournment of the Nashville Convention had been uttered in that body, they would have been rebuked by a majority of the convention in language of indignant censure, such as it would be painful to me to be compelled to use either here or elsewhere.

Sir, I maintain that no wretched squad of over-heated zealots or demagoguical managers, whether in the North or in the South, have a right to put at hazard the quiet, the honor, and the happiness of twenty millions of people; and the sooner they learn that their conduct is observed, appreciated, and condemned by an outraged nation, the better it will be for the ringleaders of faction themselves and for the country.

I have remarked, with equal surprise and indignation, that the State which I in part represent here is in various modes called upon to participate in the seditious movements in contemplation; and I gladly avail myself of the opportunity of declaring that those gentlemen know very little of that gallant and patriotic State, who suppose that she can be cajoled, wheedled, or menaced into a partnership with treason, or into any movements whatever which look ever so remotely towards disunion, except in some case of "intolerable oppression." Her position is now what it was last autumn; and no extreme proceedings on the part of others with whom she has thus far been co-operating will induce her to refuse *all settlement* of the questions which have so long disturbed the repose of the country, and rush upon disunion and all its dread consequences, except under the influence of some *overruling necessity*. I have well weighed what I have now declared, and I am prepared to meet the responsibility of all my present declarations, both here and elsewhere.

Mr. DAVIS, of Mississippi. Will my colleague allow me? I would ask him whether our State has been invited to unfold the banner of disunion at any time?

Mr. FOOTE. Not in that exact language. But insinuations have been thrown out in the State of South Carolina, that Mississippi would lead in the disunion movements there contemplated by some; and if the statement is denied, I have newspapers in my possession to prove it. I can prove it by exhibiting the files of the Charleston Mercury, which contain an account of public meetings held on the 4th of July last, in almost every part of the State of South Carolina; a majority of whose inhabitants, I confidently believe, have not yet determined on any treasonable action. On almost all the occasions alluded to, the State of Mississippi was referred to as being willing to co-operate in the accursed scheme of dissolving the Union. Yes, sir, the gentlemen toast-drinkers were pleased to refer to the State of Mississippi as "the gallant Mississippi," "the patriotic State," "the high-spirited State," who had taken the incipient step towards disunion by calling the Nashville Convention, and who would continue to lead forward her noble compeers to "equality out of the Union."

Mr. DAVIS, of Mississippi. Will my colleague allow me. I did not intend, by the inquiry I made, to question what the papers in South Carolina said was done. I will only say, what I have said heretofore, that Mississippi is, I believe, as true to the Union as any State of the confederacy. I will only say, in addition, that I was not aware of any indication having been made that there was a single disunionist on the face of the earth, and I do not know any.

Mr. FOOTE. I know several, and more than several, and more than a hundred, and more than a thousand; and I intend to unmask some of them in due season, in several places, and I would have done so on this occasion, but that I know gentlemen are anxious to come to a vote. I am prepared to prove all the facts which I have stated, and shall hereafter do so. I intend to tear off the lion's skin from two or three disunionists of very prominent standing in this country, after awhile, and expose them as monsters, in all their naked deformity. One of these is a somewhat notorious personage in my native State—a pamphleteer, a newspaper scribbler, a novelist, a sort of political harlequin—a gentleman who makes speeches of a column and a half in length, as published in the Nashville papers, and strings them out to some nine or ten mortal columns in the newspapers of Georgia. I shall hereafter speak of this gentleman, as the author, some ten years ago, of a disunion novel called "The Partisan Leader," I think—a wishy-washy, namby-pamby production, which fell still-born from the press, and of which almost all who read it at the period of its appearance have become profoundly oblivious. I shall speak of him as the tarnisher of a once honored name, the dignity of which, I trust, will be perpetuated when its present besoiler shall have been forgotten forever. I shall speak of him with some moderation and forbearance, nevertheless—from regard to the memory of the illustrious dead, and from a true respect to certain meritorious persons now living. I shall speak of him as the coarse and scurrilous vituperator of almost every man of worth and real distinction who is now a member of this body, and as the especial slanderer and reviler of myself. I shall express my profound regret that such an individual should have been able to find his way into a professorship of law in one of the most renowned and ancient institutions of learning in the Commonwealth of Virginia.*

Mr. HUNTER. Is the senator in order?

The PRESIDING OFFICER. The senator is not in order. The Chair has listened to these remarks, although they are out of order, for some time, being unwilling to check the senator. But the Chair would remind the senator that it is not in order to speak of anything but the bill and amendment pending.

Mr. FOOTE. If the honorable gentleman chooses to shelter his friend behind a point of order, the proper vengeance will be reserved till a proper time. I suppose the honorable senator wishes to apply the *lex talionis* to me.

Mr. HUNTER. Not at all. I called the senator to order because he was evidently out of order. He was bringing a dispute between himself and Judge Tucker before the Senate.

Mr. FOOTE. It is not exactly so. I merely wished to comment on the speech of a column and a half delivered by this gentleman at the Nashville Convention, but since so wondrously amplified. But the party to whom I allude is not perhaps worthy of senatorial notice.

The honorable senator from Virginia has undertaken to allude to what was said by the honorable senator from Massachusetts, [Mr. WEBSTER.] I understood the honorable senator from Virginia to say expressly, that this bill yielded everything to the North, and to base that opinion upon the authority of the distinguished senator from Massachusetts.

Mr. HUNTER. I understood the senator from Massachusetts to say that, as far as regards territory, the North loses precisely what the South gains—nothing.

Mr. FOOTE. I understood the honorable senator from Massachusetts, that, so far as territory was concerned, there was no gain on either side. [Here Mr. WEBSTER nodded assent.] The honorable senator from Massachusetts assents to what I say. I explained this point on yesterday, and I think the honorable senator from Virginia might have profited by the explanation I then made.

Mr. HUNTER. I understood the report of the speech to convey the idea which I suggested.

Mr. FOOTE. I too have read the report. The version of the honorable senator from Virginia, I undertake to say, is not a just interpretation of what fell from the lips of the honorable senator from Massachusetts. I understood him distinctly to say that it was a bill of justice to all sections of the confederacy—a bill conforming to the provisions of the constitution, doing injustice neither to the South nor to the North.

Mr. CLEMENS. Will the senator from Mississippi yield the floor for a moment?

Mr. FOOTE. Certainly, for an explanation.

Mr. CLEMENS. It is partly for an explanation. I intend to comment on the remarks of the senator from Massachusetts.

Mr. FOOTE. I shall not yield the floor for any such purpose.

Mr. CLEMENS. I shall not do that now; but I will read the remarks of the senator from Massachusetts himself. I will remark that I put the same construction on them as the honorable senator from Virginia:

> And now, sir, what do Massachusetts and the North—the anti-slavery States—lose by this adjustment? What is it they lose? I put that question to every gentleman here, and to every gentleman in the country. They lose the application of what is called the "Wilmot Proviso" to these Territories, and that is all. There is nothing else, I suppose, that the whole North are not ready to do. They wish for California; they wish to quiet New Mexico; they desire to terminate the dispute about the Texan boundary in any reasonable manner, cost what it reasonably may. They make no sacrifice in all that. What they do sacrifice is exactly this: the application of the Wilmot Proviso to the Territory of New Mexico and the Territory of Utah. Now, what is the value of that sacrifice? What is the value of it in a reasonable man's estimate? The value of it depends upon its necessity. If, in any reasonable man's judgment, the necessity of the application of this Proviso to New Mexico is apparent, why then there is value in it to those who hold that the further extension of slavery is to be resisted as a matter of principle. But if it be not necessary, if circumstances do not call for it, why then there is no value in the Wilmot Proviso, and no sacrifice made in refusing to apply it, or declining to apply it. That is the question.

Mr. FOOTE. Mr. President, what the honorable senator has read is so plain, so perfectly in consonance with what I was saying, that I shall not make a remark on it. The whole country can understand it; and, to use a figure which I have once before employed here, I might as well hold up a farthing-candle to the sun, and expect to add to the brightness of that luminary, as attempt to render more perspicuous, by my poor commentaries, anything that has fallen from the senator from Massachusetts.

Let me return, Mr. President, for a moment to the Nashville Convention. I acknowledge its proceedings to be entitled to great respect, and, so far as they happen to harmonize with my own sense of propriety, I am gratified to co-operate with that body in its endeavors to restore public quiet. The convention has announced the adoption of the Missouri line by Congress as "an extreme concession on the part of the South;" as verily it is, since it shuts us and our property out from all the territory north of 36 deg. 30 min., whilst the bill before us opens the whole territory to both sections equally, and without restriction. But I am glad to be informed, by a gentleman who was a member of that body, that the line of 36 deg. 30 min. was not adopted as an ultimatum. I say I am glad to hear this fact, because 36 deg. 30 min. *or no adjustment at all*, or, as they say in South Carolina, "36 *deg. 30 min. or fight*," is a proposition which I should at once and indignantly repudiate. I shall not go into a formal statement of my views at present, as it is obviously unnecessary. But I do confess that I am not without some dread of being regarded, at least by certain persons, (not without "mark and likelihood" in South Carolina,) as being a little presumptuous in venturing to differ in the least degree from anything said or done in that body. To show in what danger I am of being thus accused of presumption and insubordination to supereminent authority, I beg leave to call the attention of the Senate to certain extracts from a speech which I find published in the paper that I hold in my hand, and which purports to be a speech delivered by a certain ex-governor of the ancient Palmetto State—I allude to his late excellency, Governor Hammond. This gentleman, not content, in this same speech of his, with accusing one of the most accomplished, upright, and high-spirited men in the nation (Chief Justice Sharkey) of "obliquity of intellect," dashes on as follows:

> A good deal has been said as to what they came here for. They were not here to trail in the rear of public sentiment. They were the leaders of the South—the appointed leaders—not to hunt up public opinion at grog-shops, courts, mills, &c., but to act, and act as leaders. They have been sent here with a generous confidence; and the high duty was devolved upon them to point the way—*to lead the people in the way of equality and independence.*

Again says this gentleman:

> A good deal had been said about what their constituents had sent them here to do. The gentleman from Mississippi thought they were not sent here to discuss measures before Congress. They were sent here to propose or discuss any measures they thought proper—any measure bearing upon the rights of the southern people. They were, said Governor H., the leaders of the South—the appointed leaders of the South. They were not sent here to hunt up at barbecues and court-houses what were the opinions of this or that man, to adopt them. They were sent up here to make up their minds as to what is to be done by the South, that they might go home to their constituents and tell them what is to be done. *The people are to do whatever we command them.* They sent us here as leaders to point them to the way of freedom and equality. If we shrink from our duty, we cover ourselves with infamy.

Yes, sir, this is the language of ex-Governor Hammond. The members of the Nashville Convention were "the leaders of the South;" they were expected to tell the people of the South what was to be done; and the people were to do whatever these gentlemen commanded them to do. Gracious God! has it come to this? Have the high-spirited people of the South actually chosen leaders whose *commands* are to be obeyed, whether they are approved or not? Such may have been the understanding in South Carolina. I will not undertake to deny that Mr. Hammond may have been thus highly commissioned from his own State; but I beg leave to protest most solemnly and formally, in behalf of myself and my constituents, against this disgusting farago of aristocratic arrogance and presumption. The people are yet the MASTERS, thank God, both in the South and in the North; and they will allow no political popinjay or contriving charlatan on the face of the broad earth to cheat or bluster them out of their rights. Never, never, never!

Mr. BUTLER. I certainly have learned, from the remarks of the senator from Mississippi, that there is great value in what he chooses to call "the rules of order," as I suppose he has observed them very strictly in the remarks in which he has thought proper to indulge. His course may show the difference between practice and precept. Many of these remarks I shall not notice. It would be difficult to meet them with anything like a definite reply. He has chosen to designate distinguished gentlemen of South Carolina as "popinjays." Perhaps, if they were present, they might return epithets of the kind, and in a war of epithets perhaps he might find himself fully matched. It is not my province to vindicate these opinions, as I do not profess to understand them. They are gentlemen whose positions and character will always fortify them from assaults of this kind. Nor do I think the senator from Mississippi is the authorized person either to know or arraign their opinions or purposes; nor do I think his free commentaries on them are likely to affect them, or to disclose their true character; so that, so far as regards the individuals whom he has alluded to, I shall pass on without saying another word. But, sir, when he makes remarks that may go to touch the State of South Carolina, I——

Mr. FOOTE. I am sure that the senator cannot have understood me plainly. I stated, or intended to state, that I believed that a more loyal and patriotic State than South Carolina did not exist. I said that certain individuals within her limits, misled by evil teachings, had engaged in certain practices which I described. I never will attack a sovereign State of this Union; I never have done it, and I would scorn to do it.

Mr. BUTLER. I have learned, sir, some time ago, that it is a part of the tactics to isolate South Carolina as far as it can be done—to associate her with plans of disunion. Justice to her requires that I should say, that whilst I am not aware, as her representative, of any design to make war upon this Union or the constitution, I am authorized to speak for her, as her representative, to say that she never will yield to the degrading doctrine of submission to an unlimited majority in this government who may make war upon her institutions. And whilst the senator from Mississippi may think proper to hold her up for the condemnation of this audience, and under influences that may sustain him here, he will find that the doctrines which South Carolina has avowed are those which his State will sustain.

Mr. FOOTE. Never, never.

Mr. BUTLER. Unless, indeed, she chooses to maintain the abject doctrine of submission to any power that may be exerted upon her. If he intends to speak for his State thus far, I unhesitatingly say, and let it go for what it may, that South Carolina will maintain, so far as I can speak for her, her resolves, and act in conformity with her language heretofore. It is a poor compliment to any one of the States to say that they have passed resolutions which they do not intend to maintain. Sovereign States should take their positions slowly, advisedly; and when they have taken them, they should be prepared at all hazards to maintain them. The State of South Carolina has not looked as an end to disunion, and I believe that the course which she has taken and intends to take will go further to maintain the Union in its purity than any of the compromises which would suffer it to crumble down, to subserve for a time the feelings that may prevail in Congress. She is prepared to look alienators in the face. I must be permitted to say to the senator from Mississippi, that if there is any one individual in this body who has gone further to kindle up feelings of resistance to wrong, if there is any one who has used stronger language on this floor than he has, or who has done more to heat the furnace of public opinion, I do not know him. And now that it has been heated by, I hope, nothing but *just* indignation at what is regarded as wrongful, tyrannical legislation, he must pardon something to the spirit of a free people, if in their popular meetings they sometimes exhibit feelings which have been instilled by others. Let not those who kindle fires complain that they burn. But, sir, I have not risen to reply to the remarks of the senator from Mississippi so far as regards the many topics he has touched upon. I stand here as a guardian of no man's reputation, especially when there is no necessity for it; but I do stand here to meet at the threshold anything that may be said that touches the honor of the State I represent, or would imply in any instance that South Carolina would be unloyal to obligations or pledges of any kind. I will conclude by saying that whatever may be the course of her confederates who have pledged themselves to stand by her—and she has but pledged herself to stand by them—she will endeavor to make good her words, if unfortunately an adequate occasion shall call for it.

Mr. FOOTE. I am certainly very much indebted to the senator from South Carolina for the spirit of moderation and forbearance which has characterized his remarks. He certainly is bound to vindicate the honor of his State when that honor is assailed, or when he considers it called in question; but I must be permitted to express the regret which I cannot but feel that he has been induced by anything that I have said to undertake the defence of his noble State, since it is certainly true that I have not intended to utter a word in disparagement of South Carolina as a member of the confederacy. I think that my friend might have been satisfied with my prompt and explicit disclaimer of any intention to call in question the honor of the State which he so efficiently represents here. Sir, I hope that I should be the last man in this body to attack the character of any sovereign State. I do not know anything which I could well do, which would more justly deserve reprehension. And I can assure my honorable friend that it was far, very far indeed, from my intention to hold him responsible for all the indiscretions practised by citizens of South Carolina; more especially do I not hold him responsible for the expressions of extravagant zeal or exaggerated sentiment, but too apt to display themselves everywhere on fourth of July celebrations. I should be, indeed, most profoundly grieved at being convinced, by evidence satisfactory, that such proceedings as I have this morning thought proper to denounce before the country, stood approved by general public sentiment, even in the State of South Carolina. Sir, I have called these proceedings treasonable; and in doing so, I have given expression to an opinion most conscientiously entertained; for, though I have repeatedly declared here and elsewhere, that nothing can be more praiseworthy than resistance to oppression, yet am I undoubtedly convinced that there is no such oppression, either now existing or threatened, as would justify a resort to measures which could but terminate in civil war. If any one of the grievances complained of last autumn by our Mississippi convention were imposed upon us, or even seriously menaced, I should certainly hold very different language.

I know not what the senator from South Carolina means by saying that his State, at least, will never adopt resolutions that she does intend to maintain. I will say to him, in reply, for Mississippi, that she also never adopts resolutions which she does not intend to maintain. Every resolution adopted by our convention in Mississippi, I stand here in my feeble manner to maintain to the uttermost; those resolutions are still approved by our whole people. They are prepared to resist aggression with as high a spirit, as noble a courage, and as invincible a resolution as they formerly exhibited; but when none of the aggressions formerly apprehended have been perpetrated, when all danger of such perpetration has entirely passed away, Mississippi is the last State in this Union to degrade herself by following the lead of mere political demagogues in the North or in the South, in the destruction of that Union which they value as highly as the people of any State in this confederacy. It was never the intention of the convention, or the people of Mississippi, to make war upon all propositions for honorable and fraternal adjustment, and rather than submit to such adjustment to break up the Union, and plunge into the horrors of civil war. It is one thing calmly and with dignity to maintain the rights of the South; it is quite another to follow the lead of madcaps and disunionists in all their wild and varying schemes of insubordination and violence. This being the state of the case, I repeat that I do not understand what my friend from South Carolina means by insinuating that the State of Mississippi intends to back out from any position formerly assumed by her, or that she will fail to maintain her resolves.

I undertake to say, in conclusion, that all the solemn, patriotic, wise, and eloquent teachings of the distinguished senator from Massachusetts, [Mr. WEBSTER,] to which we listened so delighted on yesterday, might well convince us, if we before ever doubted, of the inestimable value of domestic peace and civil concord; and I hope that those teachings may find their way yet to the understandings and hearts of all true-spirited Americans, and aid in rescuing our beloved country from the dangers which wicked and contriving men have brought upon us.

Mr. HALE. This is the first day that I have listened to this debate when I have thought that we were approximating to the truth in regard to the difficulties which it is said surround and embarrass us. I have not till to-day, heard a single senator upon that side of the chamber, or that side of the question, address the Senate in regard to the difficulties which threaten the country, and which are all to be removed by the passage of this Compromise bill, who has not attributed them all to the odious, abominable, fanatical abolitionists. [Laughter.]

Mr. FOOTE. Will the gentleman allow me just a single word? [Laughter.]

Mr. HALE. After I get through I will allow him. All was attributed to the abolitionists.

Mr. FOOTE. They commenced it.

Mr. HALE. And it seems to have been taken as an axiom that whatever of agitation, whatever of angry and excited feelings, whatever of treasonable conspiracy there might be in the land, it was all to be traced to that odious sect. [Laughter.] To-day the controversy has assumed a new phase. The honorable senator from Mississippi [Mr. FOOTE] has charged it all upon the fourth of July meetings in South Carolina.

Mr. FOOTE. Will not the senator allow me a single moment to explain? He alludes to me now distinctly.

Mr. HALE. Well, I will yield the floor.

Mr. FOOTE. He says I charge it all on these people. Sir, I charge it first on the fanatical and unprincipled men of the North—not alluding to the honorable senator at all, [laughter]—who have set on foot a series of aggressions upon southern rights, and have thereby inflamed the feelings of the southern people, and made it necessary to resort to proper measures of redress; and in the extreme excitement brought upon us by these gentlemen, these effervescences of an over-pious zeal in behalf of the constitution have occurred. I think, therefore, that the northern fanatics are much more to blame than the southern zealots, though both are seriously so. [Laughter.]

Mr. HALE. Mr. President, this explanation that the senator has put in now is of a piece with what he has always said up to his last speech. I concede that, and I suppose he thought that it was sufficiently demonstrated, and that there was not any necessity to refer to it. But in the speech he made to-day the northern fanatics were entirely forgotten—not a word said about them.

Mr. FOOTE. Will the gentleman allow me to interrupt him once more? I pledge him my honor that I will not interrupt him again. I merely desire to explain why I did not specially notice the northern fanatics. I almost forgot them because I really thought they were extinct. [Laughter.]

Mr. HALE. That helps my theory. The honorable senator thought the abolitionists were dead, and that we should have no further trouble with them, and then he went on to make war on what he considered to be the real enemy of the republic, and that was southern agitation, sentiment, ebullition, or effervescence, I think he calls it, and it is this new phase in this controversy which encourages me to hope that, after all, some good may come out of this bill, and that it may lead the public mind into the path of truth, and to notice where the real difficulty is. But, in answer to this, the senator from South Carolina, not concurring entirely in the correctness of the view taken by the senator from Mississippi says that it is the senator from Mississippi himself who has healed up this furnace, and that, if any man in this country has done more to heat it up to its present unpleasant heat, he does not know where the may is. Now, I may be permitted to say that, as regards this controversy between South Carolina and Mississippi, I do entertain the most comfortable state of indifference a man can possibly feel. It may be settled any how, and the fault thrown

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*By way of showing the general character of the speech of Judge Tucker, above alluded to, I subjoin two extracts only, from which its general merits may be duly appreciated. See how this rampant professor speaks of one of the sovereign States of the Union:

"The man of Ohio has nobody below him but his *hog*. He cannot make the hog a gentleman, sir; and I need not say how the dead weight of the hog must operate to drag down his companion to his level.

"But there is the Queen city, as they call it, 'showing like a jewel on an Etiop's ear.' I went ashore there the other day, sir, and verily I should have thought, that, like the Queen of the house of Brunswick, she had been imported from Germany; for the young princes in her streets talked hardly any language but the German. And these are the men whose suffrages are to give law to us whose fathers rescued the country from the domination of a German prince upon the English throne.

"I speak harshly, sir. I know it. I meant to do so. I speak as it becomes every man to speak of the enemies of his country; for I speak of those who have long waged a systematic, predatory, and cowardly war against Virginia, *my country*. But enough of Ohio. There let her lie—a foul cesspool—at one time green and stagnant, at another stirred up from the bottom by the strifes of the reptiles that struggle in its mud, and tainting the moral atmosphere with its stench."

The next extract is if anything still more disgusting. Here it is:

"But it seems, sir, that Mr. Clay insists that, although we cannot understand it, this is a compromise, and, in proof of it, tells us that its advocates in the committee—that famous majority of eight—had great difficulty in agreeing *among themselves* on its terms. I have have little doubt of it, sir; for I can well believe that these gentlemen were as careful of their own individual interests in the matter as they were indifferent to ours. I have heard of such cases in other countries. They happen every day in Spain.

"A band of robbers when they set on a traveller always compromise with him somewhat in this way. He is told that if he will lie on his face, put his hands behind him, and submit to be rifled and stripped, they will ask no more of him. I don't know whether they call this a compromise. But if they did, sir, the captain of the gang might explain how, as plausibly as Captain Clay himself. 'Compromise?' says one: 'certainly we had to compromise. Some of us wished only to take the fellow's money and leave him his clothes. Others were for putting him to death, and we compromised on the middle ground of taking both money and clothes, and sparing his life. And then when we were dividing the spoils—good God! had I not to compromise and content myself with only half, instead of taking the whole to myself.' This last I suspect, sir, was the great difficulty with the committee. Mr. Webster and General Cass doubtless thought that they had as good right as Mr. Clay to frame the bill so as to make political capital for themselves respectively. Mr. Foote probably would have been glad to have it a little more acceptable to the people of Mississippi. It may be doubted whether Mr. Clay was inclined to admit these pretensions.

"Is not Mr. Clay 'THE GREAT PACIFICATOR?' Did he not give peace to the country in 1820 and 1833, and is he not the sole inventor and manufacturer of the *famous patent fresh salt*; to be sprinkled on the tails of southern gulls and boobies? Was it not enough for Webster and Cass to be admitted to the honor of co-operating with him? And as to Mr. Foote, it ought to satisfy his ambition to be allowed to take the title of the LITTLE PACIFICATOR. So be it, sir; worthily has he won it, and long may he wear it. I am afraid, indeed, it may cost him dear. Æsop tells us of an eagle, that, stooping from his lofty cliffs, pounced on a lamb, and bore it away; at the sight of which the ambition of a crow was so roused that he tried to do the like, and, lighting on the back of an old ram, tangled his feet in the wool, and got his neck twisted by the shepherd. So we have all seen how the strong talons and sweeping wing of Mr. Clay bore away old republican Kentucky into the high latitudes of federalism; but it requires no great foresight to decide how Mr. Foote will fare in his attempt upon the tough old ram of Mississippi. He may not care much about that, sir; for it is probably settled that, in the next presidential ass race, (horse race no longer, sir,) he is to ride behind Mr. Clay as candidate for the vice presidency. What light southern man is to ride *en croupe* behind Mr. Webster, what northern man with southern principles, or what southern man with northern principles, behind Gen. Cass, I do not care to inquire. One thing I do know, sir: Only one of the three can be President; but let who will be elected, all the five understrappers of that committee will be provided for. What, then, does Mr. Foote care for Mississippi? About as much as she will henceforth care for him.

"But General Taylor's plan? Sir, don't talk to me about General Taylor. 'What portion have we in David? Neither have we inheritance in the son of Jesse. To your tents, oh Israel! Now see to thine own house, David.' General Taylor will be pretty sure to see to that, and to his *sugar plantation* too. Whatever else he neglects, he will spare no pains to prevent anything which may lead to the independence of Cuba, to her admission into this Union, and to the loss of two cents and a half in the pound in the price of his sugar, which he must submit to whenever the sugar of the West Indies is admitted free of duty. To a man like him, considerations of this sort are of more importance than all the rights and all the wrongs of all the world beside.