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IN CONGRESS OF THE U. STATES.

Thirty-First Congress—First Session.

THURSDAY, AUGUST 1, 1850.

[IN CONTINUATION.]

SENATE.

ADMISSION OF CALIFORNIA.

Mr. PEARCE. Mr. President, I am very loth to intrude upon the attention of the Senate; but the remarks which have fallen from the senator from Kentucky, while I concur in much that he has said, oblige me to ask the indulgence of the Senate for a very brief period. That senator has said that the amendment which I offered to the Senate yesterday was the direct cause of the defeat of the bill.

Mr. CLAY, (in his seat.) The immediate cause.

Mr. PEARCE. The immediate cause. Well, I admit that the defeat of the bill was subsequent to my amendment; and if the *post hoc propter hoc* is argument a sound one, I suppose I may be charged with it. But I am not willing that the responsibility of the defeat of the bill shall be laid at my door, unless I am justly chargeable with it. From any just responsibility I will not shrink; and I will vindicate myself here and elsewhere, whoever may attack me. It will be recollected that to this bill as introduced by the committee I had given a cordial assent, though, perhaps, a slow one: for I admit that there was a considerable process of meditation on my part before I brought myself to yield it the unqualified support which at last I was willing to give it. But it will be recollected that the bill defeated yesterday was not the bill which it was on Tuesday last; that it was of quite a different character to that presented by the committee; that the form the bill assumed after the amendment of the senator from Georgia [Mr. DAWSON] was not what we had been discussing for months, and to which no similar amendment had up to that time been offered; that it was not the bill which had engaged the attention of the people, and commanded the assent and approbation, as I believe, of the people of the State which I represent; but that the feature introduced into the bill by the senator from Georgia was a new feature, which essentially altered the character of the bill. It was one which limited the application of the power of the territorial government proposed by the bill in the beginning and contended for throughout the whole of the discussion; it limited it to a part of the Territory of New Mexico, where there was no population requiring government, while it left to that portion where there is a population requiring government no other government than the military government which the senator from Kentucky denounced here, or the jurisdiction of Texas. Sir, that was a point upon which I was immovable. I told the senator from Georgia, when he presented the amendment, that it would defeat the bill. I told the senator from Mississippi [Mr. FOOTE] that if forced to vote I should vote against it. I was taken by surprise by the introduction of the amendment, but I did not take the friends of the bill by surprise, for I warned them of my opposition, right or wrong. I was opposed on principle——

Mr. FOOTE. Will the senator permit me?

Mr. PEARCE. Certainly.

The PRESIDENT. The Chair cannot permit any interruption unless it is for an explanation, or to correct a misstatement.

Mr. FOOTE. I understand that. The Chair is a little too prompt. I rise because I was alluded to, and with the consent of the senator from Maryland.

The PRESIDENT. That does not alter the rules.

Mr. FOOTE. I was expressly alluded to, and I rose for the purpose of explaining the matter concerning which the allusion was made, to prevent misconstruction. At the interview to which the senator alluded, I supposed that it was the incorporation of this amendment in the bill, and not the bill itself, in opposition to which the senator informed me he would vote if he voted at all, but he was magnanimous enough not to vote at all. If I had supposed that the incorporation of this amendment into the bill would induce him to vote against it, I should certainly have deemed it my duty to have counselled the friends of the bill, and endeavored to obviate the objection.

Mr. PEARCE. I regret, then, that I was not more explicit with the senator from Mississippi, as much so as I was with the senator from Georgia, to whom I said that his amendment would defeat the bill, as I thought that other votes besides mine would be lost to the bill if the amendment was persisted in. I mentioned this, not because it was any part of my duty to make this communication to anybody, but as part of the system of candor which I was disposed to pursue in regard to it. Now, sir, that amendment having been introduced, and being one which I could not subscribe to, and which, after a night's reflection, I resolved not to support, even if it endangered or defeated the bill, I felt bound to make an effort to restore the bill to such a shape as I could vote for. I made the effort yesterday in the only parliamentary way known to me. I manifested every disposition to carry the bill—the bill as reported by the committee, with the amendments which had been attached to it, with the exception of the one which I have mentioned; and when the Senate had stricken out that portion of the bill which I moved to strike out, if they had not refused to reinsert what I proposed, with the amendment intended to be in the place of the amendment of the senator from Georgia—if other gentlemen in this body had thought proper to sustain that, the bill would have been carried.

It will be recollected that, upon offering my amendment, I clearly stated my object, and pledged myself beforehand to accept any different amendment which would effect my purpose, regardless of its form—my sole object being to rid the bill of the obnoxious amendment of the senator from Georgia, which varied its character and threatened its defeat. No gentleman rose in his place and suggested any such modification. Is the defeat of this bill, then, to be charged upon me more than upon the senators from Texas? If they had given their assent to the proposition which I submitted to the Senate, the bill would have been passed. I charge that here, and it cannot be denied. I am willing to take my share of the responsibility, and, if it is justly due, I am willing to take it all; but I am persuaded that the senators from Texas have a little too much candor and courage to wish to throw upon me the whole of this responsibility. I do not believe they do. They chose to insist on a proposition to which the majority of the Senate did not choose to assent; and therefore the bill was defeated. Sir, I acted upon my judgment—I hardly dare say my *conscientious* judgment, because I believe, since the days of Sir Pertinax Mac Sycophant, it has been held that "conscience" is an unparliamentary word, for the use of which a member is likely to be laughed at; but I say, on my own judgment and responsibility, as the representative of Maryland—for it is I and my colleague who represent Maryland, and nobody else, and I will not yield my privilege of judgment as senator from Maryland to any one else—on my own responsibility to the State of Maryland, and on my own independent judgment, I pursued the course which I did. It produced the defeat of the bill, it is said; but I know, too, that if the senators from Texas had thought proper to adopt the proposition I offered, this would not have been the result. I know it was their privilege to judge of the amendment they insisted on, as much as it was mine to judge of the one I offered; but I am no more to be charged with defeating this bill than they are, or the thirty-three honorable senators, most of whom are on the other side of the chamber, who voted to strike out on my motion.

I may be permitted to add, that the amendment of the senator from Georgia was carried, not by the friends of the bill, but by a portion of the friends of bill, uniting with a large number of senators known to be opposed to the bill. The votes of twelve senators known to be opposed to the bill were given to this amendment, besides the votes of the senator from Alabama, [Mr. KING,] *the senator from Georgia,* [Mr. BERRIEN,] *and the senators from Texas, whose support of the measure was contingent, though they were anxious to adjust the dispute; so that not half of those who voted for the amendment of the senator from Georgia were decided friends of the bill.**

Under these circumstances, sir, it is not just thus to attempt to saddle one individual with the responsibility, and so to make him odious to the country, or to a part of the country, when there are other gentlemen who shared in it, to say the least. I say there are others whose responsibility is larger than mine, because to the last, with the exception of this amendment, I manifested every disposition to support and sustain the bill. But, come what may, and censure who may, I will not shrink from the responsibility, and I will never cease to defend and vindicate my course, wherever and by whoever attacked.

Mr. CLAY. Nor will I, sir. It belongs to the history of the country, and it will go out. With regard to the senator's motives and his ready and fearless encounter of the responsibility, I say nothing. I suppose upon that subject he is like most other men. But I repeat what I said, that the immediate cause of the loss of the bill was the amendment of the honorable senator. I make no reproaches against him. I have no doubt that he acted under a sense of duty, and according to his convictions as to what was proper for him as a senator from Maryland to do. Still the truth remains, and the senator has told us that he has no sort of objection to assume the whole of the responsibility.

Mr. PEARCE, (in his seat.) Not unjustly.

Mr. CLAY. Let me recapitulate a few facts. When the amendment was offered by the senator from Georgia, on day before yesterday, it was carried by a vote of 30 to 28. If my recollection is right, the senator did not vote upon it.

Mr. PEARCE. When the motion for the amendment of the senator from Georgia was voted on, I voted against it. If the Secretary will turn to the record, he will find my name recorded in the negative.

Mr. CLAY. At all events the senator did not oppose it by any speech. He did not say what he said yesterday. He made no intimation of opposition so serious to that amendment, that if adopted the consequence might be the loss of his vote. But that is not all. Now, sir, I want to call the attention of the senator to his own course yesterday upon this subject. Three times was that senator approached with amendments containing, I believe, substantially the very object which he was desirous to accomplish. One was taken from my chair to him. The second was given to him by his neighbor, the senator from Illinois, [Mr. DOUGLAS,] who had obtained the previous consent of the senators from Texas. There were one or two others. The senator declined to accept of any amendment, but persisted in his own, and that persistance led to the consequences to which I have alluded. Not only did he fail to take the suggestions of the friends of the bill, but when the senator from Florida, [Mr. YULEE,] one of the most determined opponents of the bill, asked him to separate his motion, which was inseparable by the rules of the Senate, the moment the appeal was made, he yielded to his wishes. If he had persevered in his own motion to strike out and insert, I doubt if the result would have been the same. These are facts, none of which I presume the senator is disposed to call in question. I make no reproaches to the senator. I have no doubt he has acted upon conscientious motives, and of his willingness to meet all the responsibility. But having been charged with this bill, being the chairman of the committee who reported it, I thought it right the country should know the circumstances under which it was lost.

Mr. PEARCE. I am willing that the country should know everything connected with this matter, and I will assist in making the whole truth known—for it has not yet been told. The senator says that I was approached with various amendments. Sir, they were privately and hurriedly presented to me and examined, but they did not suit my purpose. The amendment brought to me from the senator's table—I do not wish to speak disrespectfully—did not answer my purpose at all or carry out my views. The amendment of the senator from Illinois I was very desirous of accepting, and I agreed that I would accept it with a very slight alteration. The amendment is on the record. It contained a reservation of "the rights of both parties," the United States and Texas. I agreed to accept it if, after "rights," the words "and possession" were put in; for I meant to maintain the possession of the United States in this Territory as they now hold possession, and to exclude the idea that Texas should take jurisdiction over it. With that amendment I was perfectly willing to accept it, as the senator from Illinois knows and can sustain me; [Mr. DOUGLAS nodded assent;] but it was not agreeable to the senators from Texas, and was therefore dropped. Now, here was another effort of mine to accommodate, not pertinaciously insisting on my own amendment, but willing to take any other amendment if it could be brought into a shape to meet the object I had in view. I desired to exclude the jurisdiction which Texas threatens to force on this Territory, and which I think she ought not to do. The senator also says that I yielded to one of the opponents of the bill, and divided the question on my amendment. Sir, I did so; and why? It is not usual for gentlemen to state their motives always, but I have no hesitation in stating my motives in regard to it. My object was to get rid of the amendment of the senator from Georgia. It was that, and that alone, at which I was driving. I was led to believe, by various representations made to me on the other side of the chamber and this, that I should best accomplish that object by dividing the motion, and I therefore did it.

Now, I submit it to the Senate and to the country whether, under these circumstances, I am to be charged with the whole responsibility of the defeat of this bill. If you go back to the remote cause of the defeat of the bill, it rests on the amendment of the senator from Georgia, to which the senator from Kentucky yielded. He marred his whole bill by the introduction of that feature.

Sir, I know very well I am too humble a member of this body to be consulted by any one as to what he should do; but if I had been consulted in regard to this amendment, I should have stated frankly that I was opposed to it, and could not sustain it. But being too obscure to be consulted, and not having been consulted, this amendment was sprung on me, and I thought it my duty to oppose it in the best way I could. But I have no wish to prolong this controversy, and will not detain the Senate longer.

Mr. RUSK. Mr. President, the senator from Maryland says that it was the amendment of the senator from Georgia that defeated the bill. If the *striking out* of that amendment did not defeat the bill, it ought to have done so.

This is a controversy between the State of Texas and the government of the United States as to the right to and the possession of the territory around Santa Fe. Now, I assert that the United States have no title which has been recognised by any act of Congress, and no possession which they have not taken under cover of the claim of Texas.

Sir, in any adjustment of this subject, Texas has always been willing to adjust it upon any fair terms. The parties must go into the arrangement with clear hands. No act shall receive my sanction here that *assumes* the title of the United States. It is an assumption which, if carried into effect, as now threatened, will make an era in the history of the United States.

The amendment of the senator from Georgia [Mr. DAWSON] did nothing but to restrain any legislative enactment which should declare the title to be in the United States before she should make any adjustment with Texas—nothing more and nothing less. The honorable senator from Maryland [Mr. PEARCE] said indeed himself, when inquired of by me, that it did nothing more than to create some sort of an implication of title in Texas.

Mr. PEARCE, (interposing.) If I recollect aright, the senator from Texas asked me whether the amendment created any legal title in Texas which did not exist before—whether it was a legal result to which I referred. I told him that I did not believe that it would be the result legally, that the title of Texas would be recognised by it, but that it would be implied; and in the case of a doubtful title—a title much disputed—I apprehended that it would be relied upon as a circumstance of very great weight, as very slight circumstances have been relied upon heretofore.

Mr. RUSK. Then his answer was substantially what I understood it to be. It conceded no title to Texas. But the honorable senator says it would raise an implication which might be relied upon. Sir, I might retort by showing how flimsy are the circumstances upon which the United States have relied in support of her claim, but I will not do so now.

The controversy is between the United States, the most powerful government in the world, and a State of this Union, which came into it under circumstances of great disadvantage and much opposition—exhausted by a long war, having but few men and no money—her frontier at this very moment bleeding from the Sabine to the Rio Grande. The senator must have a bill that should assume without deciding the question that there is a title in one of the parties to the controversy, and that the stronger party. If the Congress of the United States would say that the government is poor; that it needs this land for purposes of support and aggrandizement; that it is absolutely necessary to carry on its operations; that it is unable to pay for it, and will give Texas the credit of generosity in doing so, she will give it. But, sir, as her representative, I will consent to no measure here or elsewhere that would take it from her without deciding the title, and without giving her a fair opportunity of being consulted with regard to her own boundary; because when it comes to that, that the government of the United States can, in a matter of doubtful title, come in and make the law for herself, the glory of this country is gone, and gone forever. You may appeal to its former history; you may talk of its achievements upon the battle-field; but, sir, when a majority, regardless of the constitution, regardless of the principles of justice, make a law curtailing the limits of a State without her consent, and by force of arms maintain their decision by the bayonet, the spirit of our institutions will have departed and gone forever; and that would have been the effect of passing this bill in the form that the senator from Maryland desired, disregarding the rights of Texas.

I, sir, cannot discourse as eloquently as the senator from Kentucky upon this subject of Union; but, sir, I will follow him in his support of this Union as long as life shall continue with me, but it must be the Union which was formed by our fathers, the Union which regards the weak, and protects and enforces the *right*. That, sir, is the constitution I have sworn to support; and when you take that from under me, when you ask me to join in doing acts of injustice which my conscience will not permit, I will take the responsibility of standing up for the right—the more especially if it should be the weaker side that is sought to be oppressed. I will stand there still, as long as any man. Sir, when an enactment was to enter into this bill, to put a territorial government into operation there under the authority of the United States before they had adjusted the matter of right with Texas, and settled this dispute, I voted against it. I will vote against it again. I will oppose such injustice at all times, and under all circumstances. I am ready to incur all the responsibility which such a course may bring upon me, in the newspapers, in the Senate chamber, and, if forced to, in the battle-field, amid the din of arms.

Mr. PEARCE. The senator is mistaken. He asked me, if I recollect aright, whether that was a legal result from this amendment—whether it would legally result that Texas would have a title, and might claim possession under that title. I replied that I did not think it would be the result legally, but practically; and I said that title in Texas would be implied, and that we had evidence to show how slight a thing was relied on to sustain a doubtful title, and that I apprehended it would be relied on, as things of less weight had been relied on for that purpose.

[Mr. MASON addressed the Senate at considerable length. His remarks, withheld for revision, will appear hereafter.]

Mr. CLAY. I wish to say a very few words. I do not mean to be drawn into a discussion of the exploded doctrines of nullification. I hoped they had expired with the illustrious individual whose recent death we all so sincerely lament. And I must add, moreover, sir, that I protest against the right of the gentlemen from Virginia, or the gentleman from South Carolina, or of any other senator, to get up and speak for the slaveholding States.

Mr. BUTLER. I did not speak for the slaveholding States. I spoke, so far as I could, for my own, though diffidently, and of history in relation to other States.

Mr. CLAY. But the gentleman from Virginia spoke not only of the slaveholding States, but of his own State.

Mr. MASON. Will the honorable senator permit me? If there is anything that I am less addicted to than another, it is to speak upon authority. I did not assume to speak upon authority, and far less of any other State than my own. I spoke of what I understood from the current history of the day.

Mr. CLAY. There is a language too often employed by senators now and heretofore speaking for the South—"the South, the whole South." Sir, I should think it would be very fortunate if senators were always confident that they were able to represent the sentiment of their own States, without attempting to speak of the sentiments of States whose limits are exterior to their own. Now, I speak in no unkind spirit towards the senator from Virginia; but I believe that if the people of Virginia had been here, four-fifths of them would have voted for that compromise measure which the senator from Virginia has felt it his duty to oppose. I know that the opportunities of the senator from Virginia are much better than my own to obtain information of their wishes, but I profess to know something of the State that gave me birth; and I believe that if the people of Virginia were to be polled to-morrow three-fourths or four-fifths of them would be found to be in favor of this measure. Now, sir, do the honorable senators from Virginia and South Carolina imagine that when they return to their constituents with the opposite opinions prevailing upon the subject of this Compromise, of this olive-branch held out to the whole Union—do they expect to be able to have the sword drawn against the Union, amidst such a conflict of opinion as will arise in the slaveholding States upon the very ground of the rejection of this Compromise? Mr. President, I have said that I want to know whether we are bound together by a rope of sand, or an effective, capable government, competent to enforce the powers therein vested by the constitution of the United States. And what is this doctrine of nullification, set up again, revived, resuscitated, neither enlarged, nor improved, nor extended in this new edition of it? That when a single State shall undertake to say that a law passed by the twenty-nine States is unconstitutional and void, she may raise the standard of resistance and defy the twenty-nine. Sir, I denied the doctrine twenty years ago—I deny it now—I will die in denying it. There is no such principle. If a State chooses to assume the attitude of defiance to the sovereign authority, and set up a separate nation against the nation of twenty-nine States, it takes the consequences upon itself, and the question is reduced to this: Shall the other twenty-nine yield to the one, or the one yield to the twenty-nine? Call it by what mystic name you please—a State, a corporation, a sovereignty—whatever force of a State is put in array against the authority of the Union, it must submit to the consequences of revolt, as every other community must submit when a revolt is made.

Gentlemen lay to their souls the flattering unction that the army is composed of officers from Virginia, South Carolina, and other southern States, and the army will not draw their swords. What, sir! the army of the United States, under the command of the Chief Magistrate of the United States, under the command of the gallant officer recently making the conquest of Mexico, will not do their duty? Gentlemen will find themselves utterly mistaken if such a state of things arises.

But we are told this story of Bernadotte, and I may say I did not put the case of Virginia. I respect her. I venerate her. She is my parent, and I have always feelings towards her which are inspired in the filial bosom towards its parent. I did not put the case of Virginia by name. I put the case of no State by name. The honorable senator from South Carolina put his words into my mouth when he made me refer to his State. But if any State chooses to array itself in authority, and give orders to its citizens to set themselves in military or hostile array towards the Union, the Union is gone, or the resistance must cease. The honorable senator tells us of the story of Bernadotte, who, when he came to the confines of France, was unwilling to invade his native country. Let me remind the senator of a case much more analagous to true republican liberty doctrines than the case of the King of Sweden, who was made such under the authority of Bonaparte, whom he resisted. I admire more that Roman father who, for the sake of Rome, condemned and caused to be executed his own son: that is my notion of liberty.

And with respect to my country, the honorable senator speaks of Virginia being my country. This Union is my country; the thirty States are my country; Kentucky is my country, and Virginia no more than any other of the States of this Union. She has created on my part obligations and feelings and duties towards her in my private character which nothing upon earth would induce me to forfeit or violate. But even if it were my own State—if my own State, lawlessly, contrary to her duty, should raise the standard of disunion against the residue of the Union, I would go against her. I would go against Kentucky herself in that contingency, much as I love her.

Mr. BUTLER. Mr. President, the honorable senator from Kentucky has spoken in a tone which induces me to say that I have no disposition to reply, except in the same tone. When I spoke of Virginia, I took it as an illustration. I did not put the words into the senator's mouth, but spoke of it entirely as an illustration. The Senate will bear me witness that I said not a word upon nullification. He would not have imputed that doctrine to me, perhaps, if he had known my opinions upon that subject. Perhaps I should have advocated a very different mode of resistance. He speaks of nullification by name. Having been doctor for that before, I suppose he knows how to deal with it. But I can tell him it is not the only remedy we have—there is the remedy of peaceful secession. So the honorable senator from Kentucky puts words in my mouth that I never used.

Mr. CLAY. I alluded to the words of the senator from Virginia.

Mr. FOOTE. I cannot say that I am at all distressed at having so plausible an excuse for declaring my views upon the pending question this morning to the Senate. This excuse has been supplied by what honorable gentlemen have been pleased to say in regard to the attitude and avowed policy of the State which I have the honor in part to represent here, touching the secession movements which appear to have been resolved upon by certain persons in the State of South Carolina. Sir, the State of Mississippi has been occasionally given credit for the avowal of doctrines and designs as abhorrent to her whole people as such accursed doctrines and designs could possibly be to the citizens of any State in this confederacy. The honorable gentleman from Virginia [Mr. MASON] has been pleased to give us something of a discourse, just now, upon what he calls the Missouri Compromise. I think, by this time, we ought to be able to understand what the *old Missouri Compromise* meant, and that we can hardly stand in need of such incessant lectures upon its history and general merits. But, *sir*, let me ask, Does not the honorable senator from Virginia know that the Nashville Convention has not recommended the adoption of the old Missouri Compromise? He enlarges upon the force and dignity *of precedent*. He speaks of the sanction of time. He informs us that the southern States have repeatedly heretofore manifested their disposition to observe the Missouri Compromise—the old Missouri Compromise. I ask again, emphatically, of the honorable senator from Virginia—as closely as he has doubtless watched the movements of the day, and as familiar as he seems to be with the proceedings of that body called the Nashville Convention—has he not yet ascertained the fact, that, according to the political doctors of South Carolina, the old Missouri Compromise was repudiated by that body, and that they only proposed to run the line of 36 deg. 30 min. to the Pacific for the purpose of dividing the territory between the North and the South, *as property*? Such is the fact. I challenge denial. Now, sir, I, as a true Missouri Compromise man, must say that the mere line of 36 deg. 30 min., as a line for the purpose of dividing the supposed landed estates of the North and the South respectively, is to me a great and ridiculous absurdity; and I call upon those who have heretofore united with me in supporting the Missouri Compromise, according to its ancient meaning, to join me once more in sustaining and enforcing it against all the false teachers of the present hour, who, whilst professing to respect it, are openly exhibiting for it the most signal contempt. I emphatically assert that if the reputed author of the Nashville address is to be believed on this subject, the honorable senator from Virginia is totally in error in supposing that the Nashville Convention attached its sanction, in the least possible degree, to the old Missouri Compromise. Therefore, what the honorable senator from Virginia has said on this subject is entirely alien to the question before us.

Permit me to offer one or two additional remarks in regard to my own position touching the Missouri Compromise. It is known that I have always voted for it whenever it has been proposed here; that I have labored strenuously for years past to procure its adoption; and I have, several weeks ago, given a minute history of my labors in this behalf, which will leave no doubt upon the mind of any unprejudiced man in regard to my zeal and sincerity in urging the Missouri Compromise upon the Senate and the country. I shall not now recapitulate statements formerly made, and which, I hope, honorable senators have not yet forgotten, showing the extraordinary exertions which I have thought it my duty to make for the purpose of obtaining the sanction of Congress for the Missouri Compromise. I will not again expatiate upon the fact, which is, however, undisputable, that until within a few months past I found myself almost entirely unaided from the South in my efforts to bring about the re-enactment of the Compromise. I beg leave, Mr. President, though, to remind you of what you can, indeed, never forget, that about the beginning of this session you were written to by a distinguished Pennsylvania statesman, (Mr. Buchanan,) for the purpose of ascertaining whether or not the southern members of Congress would be content with the Missouri Compromise as a plan of adjusting the vexed territorial question. I had written to him repeatedly before, urging him to throw before the country his views upon the subject, hoping that thus recommended the ancient popularity of this time-honored measure might be restored. You recollect, sir, that you were directed to consult with me upon the subject, and to report our joint opinion as to the possibility of any good arising from such a publication as I had urged, and to report our joint opinion as to whether the Missouri Compromise was then likely to prove acceptable to the southern members of Congress. Well, sir, we did consult. We did scrutinize the two houses of Congress. We did both come to the conclusion—reluctantly and painfully—that the Missouri Compromise had lost favor in the eyes of southern men; and you wrote in reply, giving our united opinion that a mere declaration by Mr. Buchanan of his known views upon the subject would prove embarrassing to him, and injurious to his standing in the South, without at all benefiting the country. Sir, this state of things continued, as you well know, for some time. Nobody mentioned the Missouri Compromise, either here or in the other branch of Congress, (except with certain serious modifications,) until that Adjustment bill, the defeat of which has now occurred, had been brought forward, was apparently growing quite popular, and was likely, by its adoption, once more to restore quiet and concord to the country; when suddenly certain distinguished gentlemen, led on by the honorable senator from Florida, [Mr. YULEE,] who has been an open opponent of the Missouri Compromise whenever it was presented here heretofore, who has denounced it in his place at all times—I say, certain distinguished gentlemen, following the lead of the very distinguished gentleman from Florida, who sometimes rises in our midst and delivers solemn lectures upon political consistency, resolved to unite with him as they have done most heartily and most fiercely, in urging upon Congress and the country the Missouri Compromise—no, not the Missouri Compromise, but the Missouri Compromise line, as an *ultimatum*. This is all history, sir, and history, too, that cannot be disputed. So much for the Missouri Compromise, its former opponents, and present friends!

Now, sir, I will notice as concisely as practicable the doctrinal portions of the speeches with which we have been favored by the honorable senators to whom I am specially responding. One of them—the senator from South Carolina—seems to regard the whole South, or at least a majority of the southern States of the Union, pledged to sustain the principles for which he has contended in our hearing on this occasion. The other of them—the honorable senator from Virginia, [Mr. MASON]—particularizes certain States by name, and declares that they all stand committed to the disorganizing notions which he has so formally paraded before us. It would have given me great pleasure, Mr. President, to have found it in my power to harmonize with these gentlemen, both in opinion and in action, at this momentous crisis in our national affairs. But I find it impossible to do so. And I beg leave to assure these gentlemen that they have grossly mistaken the attitude of the State of Mississippi in the contest now pending. Sir, the State of Mississippi did not unite with South Carolina formerly in supporting the doctrines of nullification. We had but a small body of avowed nullifiers in our whole State; and nearly all of them have since, either tacitly or by open declarations, acknowledged their former error in asserting the right of a single State to invalidate a law of the whole Union. At this moment the State of Mississippi occupies the precise ground which was occupied by our convention last autumn, over the deliberations of which body a worthy gentleman presided who is most probably at the present moment in hearing of all that I am now saying. Sir, our State last autumn, and now, protested most solemnly against the enactment of the Wilmot Proviso, and other kindred measures, the adoption of which was then so seriously menaced. They recommended a resort to all constitutional measures of redress, and proposed the scheme of a Southern Convention. The proceedings of our convention did not look to the destruction of the Union, but the preservation of the Union, by maintaining the constitution inviolate to which that Union owed its existence. They demanded the maintenance of the Union, as established by the constitution; and their avowed object in proposing the Nashville Convention was to bring about the adoption of such measures of redress and conciliation as might vindicate the integrity of the constitution, and rescue the Union itself from impending ruin. Such has been the declaration which I have constantly made here in regard to the character and objects of our Mississippi Convention. Nor have I yet been contradicted on this subject in any quarter. I assure you, sir, that Mississippi did not send one delegate to the Nashville Convention who was a *disunionist per se*. No delegate from the State of Mississippi entertained any such views as those which have been recently promulgated by Mr. Rhett, of South Carolina, Judge Tucker, of Virginia, and their illustrious compeers, some of whom I intend to notice presently in a very special manner. I am speaking, as all will perceive, with proper coolness and circumspection; and as Chief Justice Sharkey is himself in our midst, it will be quite easy for honorable gentlemen who at all doubt the accuracy of my statements on this head to subject me to refutation by bringing him forward to testify against me, if, indeed, I am at all in error in supposing him, and those who, with him, represented the State of Mississippi in the Nashville Convention, as utterly opposed to the dangerous and, as I think, treasonable doctrines which have been recently promulgated by certain disunion doctors in and out of South Carolina. Yes, sir, I will go further, and say to honorable gentlemen that if, upon consulting Judge Sharkey and other gentlemen, now also present, who occupied seats in the Nashville Convention, they do not find them all full of indignation and disgust at the course pursued since the adjournment of the convention by Mr. Rhett and his allies, then I will resign my seat here, and give way to some one more sagacious than myself, and more capable of ascertaining the opinions of those with whom I am allowed to converse freely and unreservedly upon the public questions of the day. Now, sir, what is the precise doctrine which honorable gentlemen undertake to assert here to-day? Why, if I understand them, they insist that, whenever a State of this Union, *with or without just cause*, chooses to resist the authority of the general government, and secede from the Union, her right so to proceed must be recognised by the government, and is, indeed, a matter beyond reasonable question. Yes, sir, this is the position taken here to-day, and which honorable gentlemen conceive the whole South, inclusive of the State of Mississippi, pledged to maintain, even by arms if necessary. Now, sir, I wish to be understood as never having been one of those who supposed that a State would in no case be justifiable in seceding from the Union. On the contrary, I have repeatedly declared here in my place, that I did not at all doubt the right of a State thus to act, under certain circumstances. Never have I held that a State of the Union, or any portion of our free people, are bound to submit to intolerable oppression. The Union is, indeed, in my estimation, of inappreciable value; but the Union itself would be worthless without that liberty and happiness which it was intended to secure. Describe to me a case of intolerable oppression, and I will at once acknowledge that, in such a case, secession would be justifiable. I will go further, and say, as I have often declared here and elsewhere, that any attempt on the part of the federal government to interfere seriously with the rights of the South, in connexion with the subject of domestic slavery, if consummated, would justify a resort to secession; for this would be, in my judgment, the most grievous and intolerable wrong which could be perpetrated upon the southern States. Thus far am I a secessionist. I will not take it upon myself to say that secession in such a case as the one just described would be a *constitutional* remedy. Great statesmen have differed on this point, and will perhaps never agree. Whether it be through a constitutional or a revolutionary remedy, it is, perhaps, of no practical importance to determine. The remedy certainly exists in some form, and may be justifiably resorted to in case of real and ruinous oppression, when all other remedies fail. I confess that I have been always inclined to agree with General Jackson in supposing it to be a revolutionary remedy. Certain it is that its successful enforcement would have the effect of overturning the government, and I have been in the habit of regarding that as revolutionary in its character which must be necessarily productive of this result. Perhaps Philip P. Barbour was correct in describing secession as "the political arsenic of our system, never to be resorted to except when all other remedies prove inefficient." Truly, sir, it cannot be successfully contended that there is a right, strictly *constitutional* in its character, possessed by each one of the sovereign States of this Union to secede from the Union at pleasure. Such a proposition really seems almost too absurd to deserve serious consideration. Let us see how it would work in practice. Suppose the State of Delaware to-morrow to secede from the Union without the allegation of any special reason, and without any existing ground of complaint in regard to the oppressive action of the government. The President of the United States is bound to maintain the constitution inviolate, and to see that the laws of the republic are duly enforced. One of the objects of the constitution, as declared in its own preamble, was "to form a more perfect Union" than existed under the confederation. The Union provided for in the articles of confederation was a "perpetual Union." Will any one doubt that in the case of attempted secession just specified, it would be the duty of the President to preserve the Union, to prevent secession, by the employment of all the constitutional power intrusted to him, and, by doing so, "to the best of his ability preserve, protect, and defend the constitution" itself? But if this would be the President's duty in such a case, will any man insist, notwithstanding, that the right of secession, as a constitutional right, could be justifiably exercised on the part of the seceding State? Could Delaware have a right to secede, and the President also be authorized at the same time to prevent secession? See how these repugnant constitutional principles would conflict with each other. Delaware, in the exercise of a constitutional right, withdraws from the Union: the President, co-operating with Congress, brings her back into the Union. In a month or two she takes another disunion fit, and dashes out of the Union a second time: again she is brought back. And so this action and combination may go on forever, according to honorable gentlemen, without the constitution itself being in the least degree violated on either side. But suppose the State of Louisiana to secede from the Union without just cause: each of the sovereign States of the confederacy have a right, under the constitution, as is now urged upon us, to separate from her sister States at her own pleasure. Suppose Louisiana, after secession, to establish a tariff of duties grossly injurious to all the States and Territories situated upon the banks of the Mississippi and its tributaries; or suppose her, on seceding, to open the port of New Orleans to the commerce of all nations, free of duty, thus destroying at once the whole revenue system of the republic: would it be the constitutional duty of all the States thus subjected to injury, and of the Union itself, patiently to submit to all the consequences growing out of such an act of secession? If not, they would have a right, and would doubtless exercise it, of employing preventive means adequate to avert such a ruinous state of things. And there would arise the same conflict of repugnant constitutional principles already described as arising in the case of Delaware. I will not detain the Senate with a tedious argument on this point, but will bring to the notice of honorable gentlemen the teachings of two illustrious democratic statesmen, whose opinions have always commanded the most profound respect of their countrymen. I refer to Thomas Jefferson and Andrew Jackson.

Mr. Jefferson, in the year 1825, in a letter to William B. Giles, thus expressed himself:

> Take together the decisions of the federal court, the doctrines of the President, and the misconstructions of the constitutional compact acted on by the legislature of the federal branch, and it is but too evident that the three ruling branches of that department are in combination to strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves all functions, foreign and domestic.

He continues:

> And what is our resource for the preservation of the constitution? Reason and argument? You might as well reason and argue with the marble columns encircling them. The representatives chosen by ourselves? They are joined in the combination—some from incorrect views of government, some from corrupt ones, sufficient, voting together, to outnumber the sound parts, and, with majorities only of one, two, or three, bold enough to go forward in defiance. Are we, then, *to stand to our arms* with the hot-headed Georgian? No. That must be the last resource, not to be thought of until much longer and greater sufferings. If every infraction of a compact of so many parties is to be resisted at once as a dissolution of it, none can ever be formed which would last one year. We must have patience and longer endurance, then, with our brethren while under delusion; give them time for reflection and experience of consequences; keep ourselves in a situation to profit by the chapter of accidents; and separate from our companions only when the sole alternatives left are the dissolution of our Union with them, or submission to a government without limitation of powers. Between these two evils, when we must make a choice, there can be no hesitation. But, in the meanwhile, the States should be watchful to note every material usurpation on their rights; to denounce them as they occur in the most peremptory terms; to protest against them as wrongs to which our present submission shall be considered, not as acknowledgments or precedents of right, but as a temporary yielding to the lesser evil, until their accumulation shall overweigh that of separation.

When this doctrine of secession, now so strenuously urged here, was first broached in South Carolina, nearly twenty years ago, General Jackson declared his opinion of it in his famous proclamation, a few extracts from which I propose to read; premising that whilst, as a *political movement*, I have ever approved the issuance of the proclamation, and whilst I have always given my sanction to most of the doctrines contained therein, there are yet other portions of that document to which I have never given my full assent, and which were objected to very strongly, as I recollect, by the venerable editor of the Richmond Enquirer of that period, whom I am glad to see personally present. What I am about to read I desire to be understood as endorsing most fully:

> The constitution of the United States, then, forms a *government*, not a league; and whether it be formed by compact between the States, or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly on the people individually—not upon the States; they retained all the power they did not grant. But each State, having expressly parted with so many powers as to constitute, jointly with the other States, a single nation, cannot from that period possess any right to secede, because such secession does not break a league, but destroys the unity of a nation; and any injury to that unity is not only a breach which would result from the contravention of a compact, but it is an offence against the whole Union. To say that any State may at pleasure secede from the Union is to say that the United States are not a nation; because it would be a solecism to contend that any part of a nation might dissolve its connexion with the other parts, to their injury or ruin, without committing any offence. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right is confounding the meaning of terms, and can only be done through gross error, or to deceive those who are willing to assert a right, but would pause before they made a revolution, or incur the penalties consequent on a failure.
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> Because the Union was formed by compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it; but it is precisely because it is a compact that they cannot. A compact is an agreement or binding obligation. It may, by its terms, have a sanction or penalty for its breach, or it may not. If it contains no sanction, it may be broken with no other consequence than moral guilt; if it have a sanction, then the breach incurs the designated or implied penalty. A league between independent nations, generally, has no sanction other than a moral one; or, if it should contain a penalty, as there is no common superior, it cannot be enforced. A government, on the contrary, always has a sanction, expressed or implied; and, in our case, it is both necessarily implied and expressly given. An attempt by force of arms to destroy a government is an offence, by whatever means the constitutional compact may have been formed; and such government has the right, by the law of self-defence, to pass acts for punishing the offender, unless that right is modified, restrained, or resumed by the constitutional act. In our system, although it is modified in the case of treason, yet authority is expressly given to pass all laws necessary to carry its powers into effect, and under this grant provision has been made for punishing acts which obstruct the due administration of the laws.
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> It would seem superfluous to add anything to show the nature of that union which connects us; but as erroneous opinions on this subject are the foundation of doctrines the most destructive to our peace, I must give some further development to my views on this subject. No one, fellow-citizens, has a higher reverence for the reserved rights of the States than the magistrate who now addresses you. No one would make greater personal sacrifices, or official exertions, to defend them from violation; but equal care must be taken to prevent, on their part, an improper interference with, or resumption of, the rights they have vested in the nation. The line has not been so distinctly drawn as to avoid doubts in some cases of the exercise of power. Men of the best intentions and soundest views may differ in their construction of some parts of the constitution; but there are others on which dispassionate reflection can leave no doubt. Of this nature appears to be the assumed right of secession. It rests, as we have seen, on the alleged undivided sovereignty of the States, and on their having formed in this sovereign capacity a compact which is called the constitution, from which, because they made it, they have the right to secede. Both of these positions are erroneous, and some of the arguments to prove them so have been anticipated.

General Jackson, it will be recollected, was a native of South Carolina—a fact which I commend to the consideration of the honorable senator from South Carolina [Mr. BUTLER,] who has, with so much apparent exultation, cited the conduct of Bernadotte in refusing to enter the confines of France in hostile array, on a memorable occasion, on account of his being a Frenchman by birth. It would seem that General Jackson, though born in the Waxaw settlement in South Carolina did not at all doubt what his duty would be as President of the United States, in the event of an armed resistance to the laws occurring in that State. Doubtless his feelings were deeply pained at being thrown into conflict with his native State, and he would gladly have avoided the employment even of ungracious language towards her, could he have done so without incurring his own self-condemnation. Listen to his pathetic and solemn words:

> Fellow-citizens of my native State, let me not only admonish you, as the first magistrate of our common country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to certain ruin. In that paternal language, with that paternal feeling, let me tell you, my countrymen, that you are deluded by men who are either deceived themselves or wish to deceive you. Mark under what pretences you have been led on the brink of insurrection and treason on which you stand!

Again he says:

> Eloquent appeals to your passions, to your State pride, to your native courage, to your sense of real injury, were used to prepare you for the period when the *mask* which concealed the hideous features of DISUNION should be taken off. It fell, and you were made to look with complacency on objects which, not long since, you would have regarded with horror. Look back at the arts which have brought you to this state—look forward to the consequences to which it must inevitably lead! Look back to what was first told you as an inducement to enter into this dangerous course. The great political truth was repeated to you, that you had the revolutionary right of resisting all laws that were palpably unconstitutional and intolerably oppressive: it was added that the right to nullify a law rested on the same principle, but that it was a peaceable remedy! This character which was given to it made you receive, with too much confidence, the assertions that were made of the unconstitutionality of the law and its oppressive effects.

I will now read the concluding paragraphs of the proclamation, and invoke from honorable senators their most serious attention thereto:

> The laws of the United States must be executed. I have no discretionary power on the subject; my duty is emphatically pronounced in the constitution. Those who told you that you might peaceably prevent their execution deceived you; they could not have been deceived themselves. They know that a forcible opposition could alone prevent the execution of the laws, and they know that such opposition must be repelled. Their object is disunion; but be not deceived by names: disunion, by armed force, is TREASON. Are you really ready to incur its guilt? If you are, on the heads of the instigators of the act be the dreadful consequences; on their heads be the dishonor, but on yours may fall the punishment; on your unhappy State will inevitably fall all the evils of the conflict you force upon the government of your country. It cannot accede to the mad project of disunion, of which you would be the first victims; its first magistrate cannot, if he would, avoid the performance of his duty; the consequences must be fearful for you, distressing to your fellow citizens here, and to the friends of good government throughout the world. Its enemies have beheld our prosperity with a vexation they could not conceal; it was a standing refutation of their slavish doctrines, and they will point to our discord with the triumph of malignant joy. It is yet in your power to disappoint them. There is yet time to show that the descendants of the Pinckneys, the Sumpters, the Rutledges, and of the thousand other names which adorn the pages of your revolutionary history, will not abandon that Union, to support which so many of them fought, and bled, and died. I adjure you, as you honor their memory—as you love the cause of freedom, to which they dedicated their lives—as you prize the peace of your country, the lives of its best citizens, and your own fair fame, to retrace your steps. Snatch from the archives of your State the disorganizing edict of its convention; bid its members to reassemble, and promulgate the decided expressions of your will to remain in the path which alone can conduct you to safety, prosperity, and honor; tell them that compared to disunion all other evils are light, because that brings with it an accumulation of all; declare that you will never take the field unless the star-spangled banner of your country shall float over you—that you will not be stigmatized when dead, and dishonored and scorned while you live, as the authors of the first attack on the constitution of your country!—its destroyers you cannot be. You may disturb its peace—you may interrupt the course of its prosperity—you may cloud its reputation for stability—but its tranquillity will restored, its prosperity will return, and the stain upon its national character will be transferred, and remain an eternal blot on the memory of those who caused the disorder.
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> Fellow-citizens of the United States! The threat of unhallowed disunion—the names of those, once respected, by whom it is uttered—the array of military force to support it—denote the approach of a crisis in our affairs on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments, may depend. The conjunction demanded a free, a full, and explicit enunciation, not only of my intentions, but of my principles of action; and as the claim was asserted of a right by a State to annul the laws of the Union, and even to secede from it at pleasure, a frank exposition of my opinions in relation to the origin and form of our government, and the construction I give to the instrument by which it was created, seemed to be proper. Having the fullest confidence in the justness of the legal and constitutional opinion of my duties which has been expressed, I rely with equal confidence on your undivided support in my determination to execute the laws; to preserve the Union by all constitutional means; to arrest, if possible, by moderate but firm measures, the necessity of a recourse to force; and if it be the will of Heaven that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by any offensive act on the part of the United States.
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> Fellow-citizens! The momentous case is before you. On your undivided support of your government depends the decision of the great question it involves—whether your sacred Union will be preserved, and the blessing it secures to us as one people shall be perpetuated. No one can doubt that the unanimity with which that decision will be expressed will be such as to inspire new confidence in republican institutions, and that the prudence, the wisdom, and the courage which it will bring to their defence will transmit them unimpaired and invigorated to our children.
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> May the Great Ruler of nations grant that the signal blessings with which He has favored ours may not, by the madness of party or personal ambition, be disregarded and lost! And may His wise Providence bring those who have produced this crisis to see the folly before they feel the misery of civil strife, and inspire a returning veneration for that Union which, if we may dare to penetrate His designs, He has chosen as the only means of attaining the high destinies to which we may reasonably aspire!

And now, Mr. President, having declared my own views touching this contested doctrine of secession, and having, as I think, strongly fortified myself by authority, I shall proceed to show the real nature of the movements commenced by certain persons in South Carolina, from the criminality of whose conduct I cheerfully exempt the State herself, as one of the sovereign members of the confederacy, who I hope will never consent to be deluded by the mad teachers who are now endeavoring to seduce her citizens into the perpetration of high treason; for treason it will certainly be, as I shall show most conclusively, whenever they attempt to act out their present fiery resolve. Thank God! the "*mask*," as General Jackson says in his proclamation, which, a short time since, "*concealed the hideous features of* DISUNION," has now been taken off. Since the sittings of the Nashville Convention terminated, that mask has fallen from the faces of Messrs Rhett and others who went to that convention with the language of patriotism upon their lips; but who concealed treasonable intents in their bosoms; and now the whole South will look with just and salutary horror upon the conduct of those who have aimed to involve the republic in ruin.

Mr. President, it could scarcely be expected of one who

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*The remarks in italics are not in the reporter's copy, but Mr. PEARCE adds them as necessary to a full understanding of the matter.