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CONGRESSIONAL.

SPEECH OF MR. RHETT, OF SOUTH CAROLINA,

On the Resolution submitted by Mr. Foote, of Mississippi, in relation to the Compromise Measures; delivered in the Senate, December 15 and 16, 1851.

MR. PRESIDENT: At the close of the last session of Congress the senator from Kentucky, [MR. CLAY,] not now in his seat, in replying to certain remarks I had made on the resolution he had offered relative to the negro riot in Boston, thought proper to throw out some personal imputations against me. This senator had before, when I was not a member of the Senate, dealt in the same strain of imputation. I arose whilst he was speaking, and stated to the Senate that, whilst I had not the slightest objection to the personal course the senator was pursuing, I hoped the Senate would not deny me the privilege of replying to it. The senators from all parts of the chamber promptly said "certainly." The senator from Kentucky expressed his willingness that I should reply to him; but as he was, according to the usages of the Senate, delivering a final speech in reply, and wished the vote of reference to be taken on the resolution when he had closed his speech, he said he would yield the floor then, if I wished it, that I might respond to his remarks. I answered that I could not do that, because he had not yet finished his speech. The senators around me then said, "Reply when the report on the resolution comes in." To this I assented. The resolution was then referred to the Judiciary Committee. I waited here afterwards in my seat every morning for the report of the committee, prepared to reply. The resolution was referred on Monday, and on Tuesday, Wednesday, Thursday, Friday, and Saturday, I waited in my seat in vain. On Saturday we got into the contest on the internal-improvement bill, which not only consumed all the time which could have been applied to such a matter, but very nearly occasioned the loss of the appropriation bills. I mean to blame no one for the report not being made; but I wish now to say, that so soon as the senator from Kentucky shall appear in his seat, and be able to mingle in debate, I shall throw myself on the indulgence of the Senate to make the reply I then meditated to his imputations. My business now will be with the senator from Mississippi, [MR. FOOTE.]

If that senator had thought proper to announce on the floor of the Senate that, according to his views of the constitution of the United States, a State had no right to secede from the Union, and that, therefore, if she did secede from the Union, those of her citizens who supported her in her secession would be demagogues and traitors, I do not know that I should have noticed his positions. From the foundation of the government, the principles on which such a conclusion might rest, have been matters of disputation. But the senator did not pursue this course. He denounced the "secessionists" of South Carolina as "demagogues and traitors," seeking to dissolve the Union, and lavished his praises on those whom he said had overthrown them. There is not much force in epithets: they are generally the resorts of silly weakness or malignant rage. To a man intent upon grave realities or serious enterprises, affecting his rights and liberties, words are very trifles; and words like these have so often been used by tyrants and their minions, when they would perfidiously betray the people or strike down liberty, that they can be of little consequence to a freeman, much less to a senator. I would not pay the slightest regard to them when falling from that senator, but for the fact that I stand here in a representative capacity. Sir, General Gage, writing to the British government, describes the revolutionary patriots in Boston, as "troublesome demagogues who deceived the people, and would not let them rest in their rightful allegiance;" and I doubt not that Benedict Arnold, after he had deserted our cause, spoke flippantly of Washington as a foul rebel and traitor. The men of that day were not hurt by epithets or denunciations, nor will any man be concerned about them who is conscious of defending his rights and liberties. It is with the reality I care now to deal. The people whom I represent are, the greater part of them, I believe, secessionists—they are disunionists; and I hesitate not here to say, as a citizen of South Carolina and a senator, that, under the circumstances in which the South is now placed, I am a secessionist—I am a disunionist. So long as my sovereign—the State I represent—shall continue in the Union, I am bound, as I am sworn, to support the constitution of the United States; but, in my opinion, the compact of the constitution is violated—the Union of the constitution is dissolved—and it is her duty, as it is her right, to protect her people from the oppressions and dangers which surround them. I propose this day to lay before the Senate some of the grounds upon which, I believe, the people of South Carolina have come to the conclusion that they cannot, under existing circumstances, live in peace, much less in honor, in this confederacy, unless it shall be reformed from its foundations. Since 1845 (not twenty years ago, as the senator from Mississippi represents) I have despaired of reforming this government by the government itself. If capable of reformation, it must be reformed, in my opinion, by the sovereign parties to the constitution. Whether they should attempt to reform it by their independent action, or break it up finally, should this action fail in reforming it, will depend upon the fact whether it is a good or an irremediably bad government. There is nothing wrong in upturning governments. Bad governments ought to be overthrown—good governments only ought to be supported; and on this principle it was that our fathers, by a seven years' war, dissolved their union with the British throne. The question is, what sort of government is now practically established over the South by the government of the United States; and, solving this question, we will be able to see who are the demagogues and traitors in the South.

And first, sir, let us take up the Compromise, as it is called, which the senator from Mississippi describes, as not only constitutional, but most beneficent in its operations. According to his view, it has allayed all the griefs, dispersed all the discontents of the southern people, and is worthy of a reiterated expression in the Senate of their most ardent and grateful support. Let us analyze it.

The great, leading wrong, if any exist towards the South, is in the disposition of our territories. To know its magnitude, we must understand the extent of our territories. I hold in my hand a statement of our territories before we acquired by treaty any territory from Mexico. They were as follows:

	Square miles.
1. Northwest of the Mississippi and east of the Rocky mountains, exclusive of the Indian territory - - -	723,248
2. Add the part of the old Northwest Territory added to Minnesota in violation of the Virginia deed of cession - -	22,336
3 Oregon Territory - - -	341,463
	1,087,047

Making in all one million eighty-seven thousand and forty-seven square miles, being territory enough to make twenty-eight States as large as Ohio. From all this territory slavery was excluded by the Missouri Compromise and the act establishing Oregon a Territory. I was a member of the other house when the last measure passed, and I remember well the earnest appeals made by the members from the free States to the members from the slaveholding States not to oppose the exclusion of slavery from Oregon, and thus disturb the Missouri Compromise. We stood, under their appeals, to the faith of the Missouri Compromise, and on this ground alone the bill passed and obtained the executive sanction, as appears in the presidential message to Congress accompanying its approval.

By such professions, abandoned as soon as the Missouri Compromise could give anything to the South, the free States appropriated all of our territories—enough, as I have shown, to make twenty-eight free States, and enough when organized into States to give them the constitutional majority in Congress to alter the constitution as they pleased. But this did not satisfy them. We acquired afterwards from Mexico, by treaty—

	Square miles.
California - - - - - -	448,691
New Mexico - - - - - -	124,933
Texas as they afterwards took it - -	52,018
	625,642

Six hundred and twenty-five thousand six hundred and forty-two square miles—more than all the present free States in the confederacy, and enough to make sixteen States as large as Ohio. The controversy which then arose by the pretensions of the North, was this: shall the free States, after excluding the South from colonizing with their slaves twenty-eight States, exclude the South also from our Mexican Territories, and thus appropriate to themselves sixteen States more? If this enormous pretension was submitted to, it would give them the power of organizing and having in the Union sixty-four free States, whilst the South would retain but fifteen; and in this estimate I count Delaware as a slave State. Nor was this all. The Indian territory consists of 58,346 square miles. As the free States have now the power in Congress, both in the Senate and House of Representatives, the sames motives and policy which excluded us from our Territories would operate to prevent any new State with the institution of slavery hereafter entering the Union. This policy would give them four more free States from the Indian territory. Nor is this all. Delaware cannot now be considered a slave State; and if the cotton States acquiesced in the inevitable tendency of things, in a few years, Maryland, Virginia, Kentucky, and Missouri would become free States—being five free States more, and making the two sections of the Union to stand, relatively, seventy-three free States to ten slave States.

Such, sir, was the matter in controversy, immediate and prospective, concerning our Territories acquired from Mexico, with the distinct understanding on the part of northern senators and representatives, as my honorable colleague has asserted, that no more slave States should be admitted into the Union. It is true that Mr. Webster has asserted that, by the terms of annexation, the South had a right to have four new States from Texas; but what are southern rights worth in this controversy? After we have submitted to be spoiled of forty-five States, will we not be spoiled of four States more? But suppose we get these four States, they will make us ultimately fourteen slave States to sixty-nine free States.

Such was the state of things, and such the appalling prospects they presented to the South, under the pretensions of the North to exclude her people from all our Mexican Territories. It was not merely a question of honor, but of existence to the South. If deprived of all these Territories, they would speedily be filled up by the free States, and brought into the Union as free States. Independent of the natural increase of their population, at the rate of immigration from foreign nations alone, they must have an addition of not less than eight millions in ten years—enough of itself in this time to make as many new free States as there are now slaveholding States in the Union. In this state of things it would not require anything more to be done by the free States to complete their ascendency. Monopolizing all our vast territory, they would have only to stand still and do nothing, and time would work out their mastery. By the multiplication of States they would soon be able to obtain the required majority under the constitution to alter the constitution, and thus obtain the constitutional power to abolish slavery throughout the South. Our doom would thus be consummated by the mere lapse of time, as certainly as autumn follows summer with its killing blight and decay. Now, under these circumstances, what did the Compromise do for the South? It surrendered all our Territories to the North.

Mr. President, I put the question to the senator from Mississippi, Did not the Mexican Territories belong to the southern in common with the northern States? He will not deny it. The constitution expressly affirms it; and the time was when he was furious in vindicating our common and equal right of property. We fought for, won, and must pay for them in common. Then I put to him a second question: Are not the people of the slaveholding States practically excluded by his compromise measures from colonizing with their slaves one acre of these Territories? Sir, no man of common honesty, or of any honesty at all, who understands the matter, can say that they are not. Is this no wrong to the South?—no wrong morally?—no wrong constitutionally? The senator *now* answers, no! and that the South has obtained by her exclusion all she demanded—all she had a right to demand. He goes further, and affirms that we are constitutionally excluded, and that he never heard a decent argument here or elsewhere against the constitutionality of our exclusion. I was not a member of this body when these measures passed, but I recollect reading a very able argument from the senator from Georgia, [MR. BERRIEN,] not now in his seat, on the unconstitutionality of the very expedient by which we are excluded by his Compromise. Sir, if the senator had said that there was not a decent argument in favor of the constitutionality of our exclusion, it would have been more in keeping with the truth and his former positions Look at the question in a high general view. Our territories belong to the States in common. The North, enforcing injustice and inequality, excludes the southern States from the whole of them, and appropriates them all to her purposes of colonization. Can such a policy be constitutional? If it is, then the constitution is in itself an instrument of injustice and inequality amongst the States. To take this position is not only to give up our territories, but to give up the constitution. It is an instrument not to extend by its principles justice and equality amongst the people and the States, but wrong, inequality, and despotism. Such is not my conception of the constitution, and therefore I infer that any policy unjust and unequal in its operation must be unconstitutional. But let us approach the constitutional question nearer. The constitution says "new States may be admitted by the Congress into the Union." Now, the question is, was California a State at all when she came here to claim admittance into the Union. The senator from Kentucky, [MR. CLAY,] who claims the paternity of these measures, distinctly admitted in debate that the emigrants and residents in California, occupying and working contrary to law the lands belonging to the United States in California, did not constitute a State; that the constitution they sent here had no validity, and could only have validity by the act of Congress. Well, then, how could California, not being a State, be constitutionally admitted into the Union, under a clause in the constitution which says that "*new States* may be admitted into the Union?" But, to come lower down in the argument—that I might meet the senator from Mississippi himself to controvert his position—did not that senator, by his signing the Southern Address, and in a dozen other places, strenuously contend that the Wilmot proviso was unconstitutional? Further than this, he said, as late as day before yesterday, in replying to my colleague, explaining the letter which he signed with his colleagues from Mississippi to the governor of that State, "that the application of California to gain admission into the Union, under all the circumstances of the case, was but an attempt *to obtain the passage of the Wilmot proviso in another form*"—"that it was an attempt, on the part of those pressing it as a separate measure, to obtain precisely those advantages in favor of the North over the South in California which the Wilmot proviso contemplated." Now, as the attempt has been consummated, exactly as then proposed, the admission of California into the Union, according to the senator's authority, is "*the passage of the Wilmot proviso in another form.*" It has obtained "precisely those advantages in favor of the North over the South in California which the Wilmot proviso contemplated."

Mr. FOOTE. Will the senator allow me to interrupt him?

Mr. RHETT. I would prefer not to be interrupted; because the senator has not a good temper, and mine is not much better.

Sir, the senator is right. He did not then regard forms. He disdained to quibble about words. He looked to the thing, and that thing was the exclusion of slavery from our Territories by the act of Congress. Whether this was done in a territorial bill, or a bill admitting California into the Union, with the same words of exclusion in her constitution, was very immaterial. Both forms of exclusion had their validity from the act of Congress, and from that alone. It was the Wilmot proviso. The Wilmot proviso, he contended, was unconstitutional: therefore, the admission of California, containing it in her constitution, is unconstitutional. I leave the senator to combat himself, with him at least, his best authority.

We were excluded from New Mexico and Utah in a different mode. The Mexican laws had prohibited slavery in those Territories whilst they belonged to her. The mode adopted was to say nothing in the territorial bills about the exclusion of slavery from these Territories, but to leave it to the President, by the judges and marshals whom he would appoint, to have the Mexican laws excluding slavery enforced against the southern slaveholder, should he enter those Territories with his slaves. This was called "non-intervention." I admit that I voted for a bill of this kind (Mr. Clayton's bill) when Mr. Polk was President of the United States, because I knew that, agreeing with me that the constitution of the United States, overruling the laws of Mexico, would protect that as property which was property in any of the States to whom those Territories belonged, he would appoint judges and marshals who would practically enforce his views of the constitution, and that thus these Territories would be open for colonization to the slaveholders of the South. Thus, although there was legislative *non-intervention*, there was to be practically direct *executive intervention*. And so it is now. The President has appointed, out of the three judges for New Mexico, the chief justice and one of the inferior judges who will enforce the Mexican laws, emancipating any slaves who might be carried into that Territory. In this mode the Wilmot proviso is enforced. Will any man, under such circumstances, carry slaves into those Territories? They could be immediately released from his custody and control by a writ of *habeas corpus*. He may appeal, it is true, to the Supreme Court of the United States, and after some years he may have a decision. But in the mean time where are his slaves? Gone, and gone forever. And should the decision be in his favor, it would be of no avail to him or anybody else; for the majority from the North in this and the other branch of Congress would immediately admit the Territories as States into the Union. The provision that these Territories shall come into the Union as States, with or without slavery, is worth nothing to the South. By the arrangement they can only be free States.

Having thus shown that the southern States, with their institution of slavery, have been excluded from every foot of our Territories, let us pause to examine the motive of our exclusion. That motive, openly avowed, is the final extinction of African slavery throughout the United States. The great object of all government is protection—protection to life, liberty, and property. By plundering us of our Territories, it is proposed to weaken, degrade, and then destroy us. Sir, we talk with affected abhorrence of European despotism; and yet what despotism in Europe is there which does not protect property? What government in the world is there, saving this of the United States, which seeks, at one fell swoop, to extinguish at once life, liberty, and property, amongst nearly one-half of the people who uphold it? The foulest of all despotisms is that which enters the domestic circle, and there, where dwells alone the last refuge for happiness to man, inspires discontent and excites to murder and blood. What has Congress for the last ten years been but a grand abolition convention, preaching and inspiring insurrection amongst our slaves? What is this government but the irresponsible and remorseless despotism of a majority, governed by the lust of national domination and fanatical propagandism? And now, by this Compromise, we are laid helpless at their feet, soon to feel, if we lie there, the heel which crushes us.

If there is nothing in the compromise measures to satisfy the South with respect to our Territories, there is as little to satisfy us in its other features. We need not rejoice that two States were wrested from us in Texas, and given over to the North, whilst we have to pay our portion of the ten millions by which it was wrested from us. Nor need we exalt the Compromise in our praises, because the slave trade is abolished in the District of Columbia under the penalty of emancipation. If we have got any benefit from these measures, it must be in the fugitive-slave bill, originally no part of its composition. Sir, when the fugitive-slave bill passed Congress, many might have supposed, that it would have been faithfully enforced, although incidents occurred at the time of its passage, both in this and the other end of the Capitol, which might have foreshadowed its fate. But, after a year has transpired, for any man to stand up here and say, while all the rest of the compromise measures cannot be repealed, and this is the only one which may be, that we of the South should express our high gratification at its success, is a most extraordinary thing. Look at its operation. First, it was attempted to be enforced in Boston. There all the forms of justice were upset and mockery put upon them, and the slave rescued in open court in broad day. Then came a gentleman from South Carolina who tried to get his slave. He had to pay five thousand dollars to get him, and then run him off in a steamboat at night. Have any of those people who committed the outrage in Boston been punished? Have the laws been enforced? No, sir. Everybody knows that the ringleader was tried the other day and acquitted. How is it in another State? Look at the Christiana proceeding, where murder was perpetrated. Has the law been enforced there? Has anybody been convicted? The judges have determined that it is not treason; and now the farce is going on of trying those people for murder, or misdemeanor, or something else. I venture to say that not a hair of their heads will be touched. How is it in Syracuse, where there was the same opposition to the law, and a marshal wounded in executing it? A form of trial is to be carried through; but who believes that any one will be convicted, or, if convicted, injured by any conviction? If you could box a jury who would convict any of them, I do not think you will find an Executive in the North to sanction or enforce a capital execution. And now, when this fugitive-slave law has been kicked, and scoffed, and resisted, from one end of the North to the other, we have senators here from the South who say, let us stand to the Compromise! The more our rights have been violated, the more we love the violators. If we praise them, they may pity us, and forbear! Sir, in China, a man is required, when he is introduced as an ambassador to the Emperor, before he dares lift his eyes, to strike his forehead three times on the floor. The senator from Mississippi would not only have the South do that, but he would have her crawl, body and soul, to the foot of the North—there, with eyes ever closed, save to implore, to be spurned. The law is treated with contempt by the North, and we are to magnify it. More than this, a State has nullified it. Vermont has nullified it by her legislature, forcing an appeal to her State tribunals. The President of the United States, in his late message, seemed not to think it worth his while, while treating of this subject, to mention that one of the sovereign States had nullified a law which he had said was constitutional, and right, and proper. If there is any omen in itself more fearful than another, showing our true condition, it is that not merely individuals but sovereign States have nullified this law, in defiance of the legislation of Congress and the opinions and decisions of the judiciary. If South Carolina or Georgia had nullified any law of Congress, what lectures, here and elsewhere, would have been delivered upon treason! What homilies would have been read upon the necessity of citizens obeying the laws and of traitors being executed! But when a northern State nullifies a law of Congress, designed for the protection of the institutions of the South, it is not worth while for the President of the United States even to notice it, when he takes up the subject and treats of it in his annual message! The North are our masters, and we their subjects! Can they do any wrong?

Mr. President, I have thus endeavored to show that the Compromise, as it is called, is injurous to the South, and would ultimately, I believed, be destructive of our rights and liberties. If this had been the first instance in the operations of the government in which it had departed from that course of impartiality which should characterize its dealings with all its members, we should have sufficient reason, perhaps, to let it pass, as it would not be a result from the nature of the system itself, but an aberration which might be transient in its character. But as I have believed that the course of the Congress of the United States with respect to our Territories, as only a sequence in a course of policy which has existed for many years, is only another step in that course of aggression and consolidation into which it is inevitably tending, I deem it proper to lay before the Senate the grounds of my opinions.

If I mistake not, from the very foundation of this government to this day, the operation of it in its financial and pecuniary relations has had but one uniform tendency, and that has been to aggrandize the North at the expense of the South. If I mistake not, the course of usurpations submitted to has led to their legitimate sequences in the measures of aggression which have been denominated the Compromise. To test the truth of this position, I propose now to go back and trace the financial operations of this government for many years past.

The two weak points in our system of government—the most delicate and the most important, and those which created the greatest difficulty in the convention which framed the constitution—are slavery and taxation. Our fathers supposed that they understood the principle of taxation, and believed they had provided against any improper or unequal taxation by the terms of the constitution. If you look back to the first incipiency of our form of government, you will see there was very little cause of dissatisfaction in its operation until after the war of 1812. That war demonstrated to us and to the world that the great purpose for which the Union was formed—protection against foreign nations—was accomplished, and that we no more need fear the power of foreign nations. We could stand self-sustained among the nations of the world. There was a spirit of forbearance, a spirit of concession, amongst the members of this confederacy previous to the war of 1812. Then we heard no murmers about taxation, no dissatisfaction about slavery. Taxation was light. Its disbursements were honest, and anti-slavery agitations were unknown. But as soon as that war terminated, and the great fact was demonstrated to us as well as to the world, that we were self-sustained and self-sustaining, and that the great pressure from foreign nations in consequence of our weakness, which drove us together, no longer existed, then sprung up differences upon these delicate points. Immediately after that war terminated, one of the very first innovations was made upon the taxing power. A new principle was introduced in the tariff of 1816, which was passed, and passed almost with unanimous consent. So strong at that time was the sympathy of each portion of the Union for the other—so dear was the Union to all—that even those who fully comprehended the unequal principles of this measure were unwilling not to grant it. In a spirit of generosity, the South was willing that protection for a season should be afforded, and accordingly the tariff of 1816, while it provided for revenue, contained a prospective diminution of duties. In 1818 new duties were imposed, but not without some dissatisfaction. In 1819 the Missouri question arose. Do you suppose, sir, that if that question had arisen before the war, there would have been any difficulty about it? No. But then, we knew that we were independent of the power of foreign nations, and we turned our gaze upon each other, and sectional differences and rivalries sprung up. The Missouri question was settled by what was called the Missouri Compromise, which amounted to nothing more than this: submission and concession by the South to the North, with the principle incorporated into it that Congress could prevent the South from entering all the territories belonging to them with other States. Missouri was a State, whether this government thought proper to take her in or not. State she was, and State she could have continued. There was no necessity for compromise or concession on the part of the South; but, as always has been the case, southern men were found to lead the South to concession. The Missouri difficulty was scarcely adjusted, when in four years came up the tariff of 1824. Here you see the pendulum vibrating back again. Wm. Lowndes, who represented at that time the seventh congressional district of South Carolina, which I so feebly represented in the other house of Congress when compared with him, declared in 1822 that the people of the South were the most oppressed people upon earth—that, taking taxation and expenditure together, the South suffered more than any other people. The South murmured against the tariff of 1824, but she submitted.

In four years more the tariff of 1828 was enacted. You know the history of the controversy which then arose. All the southern States at first stood by—nay, stood before—South Carolina. Then, as now, she did not lead. They said as brave words, but did not redeem them; and when the time came for her to submit utterly to the system of oppression laid on her by the tariff of 1828 or to resist, she determined to resist. We know what was the result—another compromise. Again principle was conceded, as in the Missouri case, by which again our oppression was renewed. That was in 1833.

What next? In 1835 the pendulum vibrates again. The North commenced a system of agitation in the other branch of Congress, by which it was attempted to engross by the Congress of the United States jurisdiction over the delicate subject of slavery. That spirit went on. In 1838 the democratic party in the hall of the House of Representatives endeavored to resist it. And here let me say for that party, with which I have ever acted, and to which, although I may not now be considered a member, I was once proud to belong, they were at that day true to the constitution and true to the South. And if the South had done its duty, and maintained her interests and honor as she ought to have done, the twenty-first rule would never have been repealed. Our own imbecility has raised up and strengthened our enemies against us in the North. I have no imputations to make against the North. When I look back to my own section of the country, and see what weakness and timidity has characterized her course, my censures (rather my regrets) fall on her. It is a high duty which States owe to themselves to protect their rights and their people from the oppression of other States. They are as much to blame who yield to oppression as those who practise it. The latter do wrong; the former do also wrong, and are contemptible in their submission. The same spirit—the spirit of submission which prevailed in 1819 and 1833—rested over Congress in 1842, when both the tariff of 1833 and the twenty-first rule were overthrown. The interests of the North predominated in the one, and the fanaticism of the North in the other measure.

Slavery again arose in Texas in 1844-'45, and the tariff again in 1846. The tariff of 1846 was only a modification, and a very small modification, of the tariff of 1842. The difference between these two tariffs is not more than three or four per cent.; yet the tariff of 1846 appears to be considered by the North as a vast concession to the South. Abolition meanwhile went on with its agitations. Associations were formed; the union of churches was broken up; newspapers were established; everywhere the spirit of fanaticism arose; and agitation, in and out of the halls of Congress, was in the common order of things. The occasion arose by acquiring Territories from Mexico, and it was immediately seized on to put the ban on the institution of slavery, and pave the way for its final overthrow.

If the South at the last Congress had stood firm, she could have commanded any terms she pleased. Did any compromise come from the North? No; they stood calm and immoveable, conscious of power, and allowed the fearful and the weak to make their compromises and propose their terms of concession. All the propositions for compromises came from southern men. The pendulum swung back to slavery, and the South again fell. It turns again and moves back to the tariff, which failed last winter in the House of Representatives by only five votes; and I believe it would have passed both branches of Congress but for the North Carolina senators, who were instructed by their State to vote against it. Is the tariff dead? Is it not to arise in its order, and again take its turn for agitation and aggression? Thus, sir, you see that upon these two great points there seems to be, necessarily, an antagonism between the two sections of the Union. They alternate in a continual collision.

Let us now go back to the fiscal operations of this government, and see what they have been in their bearing on the North and South respectively. If I mistake not, they exhibit one consistent course of aggrandizement on the part of the North at the expense of the South.

I believe that the different portions of the Union pay the taxes on the imports in proportion to their exports. I will not, however, now go into an elaborate argument to prove this proposition. I believe it not only to be true, but short of the truth to show the burdens of the South. At another time I might enter into it. At present I will merely state the principle of my calculations and the conclusions to which they lead.

The whole amount of duties collected from 1791 to 1845, deducting drawbacks, amount to $927,050,097. Of this sum the slaveholding States paid $711,200,000; the non-slaveholding States $215,850,097. Had the same amount been paid by the two sections in the constitutional ratio of federal representation, the slaveholding States would only have paid $394,707,917, and the North $532,342,180, according to the system of direct taxation directed by the constitution. The slaveholding States therefore paid $316,492,082 more than their just proportion. I know that the basis of this calculation will be disputed; but I will be prepared at a future day to defend it.

Look at the enormous difference between the two sections. During that time 300 millions of dollars, in the financial operations of the government, have been wrested from the South and given to the North. How has this money been expended? Has it been expended as it was collected, or even equally in all sections of the Union? Although doubt may be thrown over the amount of taxes paid by the North and South respectively, on account of the insidious system of indirect taxation by which they have been collected, there can be no doubt as to their expenditure. The reports do not discriminate generally; but in 1837-'38, on a call made in the Senate, Mr. Woodbury—a northern man—reported to Congress that in five years, from 1833 to 1837, out of 102 millions of expenditure only 37 millions were in the slave States; yet during the same year, according to the principles of my estimate above, the slave States paid 90 millions of duties to 17½ by the free States. Therefore, whilst all the North contributed to the support of the Union was spent within her own borders, she enjoyed the additional expenditure of 50 millions, or of $10,000,000 a year levied on the South.

Is it wonderful that, under such a course of policy, the poorest section of the Union should be the richest, and the South should, with all her vast resources, linger in her prosperity? I will go a step further into detail. Look at the collections of the customs. From the foundation of the government to the year 1849, there was expended for the collection of customs fifty-three millions of dollars, of which only ten millions were expended at the South. Is it surprising, then, that New York and the other large cities of the North where these moneys are collected, and this system of expenditure is adopted, should thrive and grow? Nor is that all. Turn to a matter which ought to have been equal in its operation, if anything could be equal—I allude to the pensioning of our revolutionary soldiers. We had 2,200,000 people at the time of our revolution, and the North had 2,300,000. According to General Knox's report, the North sent 100 out of 227, of military age in 1790; the South 100 out of 209. The South, therefore, when these soldiers were to be endowed with pensions, ought to have received more than the North. How has it turned out? In 1848 1 out of every 62 of the men of military age in 1780 was a revolutionary pensioner in the North, and only 1 out of 110 in the South. New England alone had then 3,146 of these pensioners—more than there were in all the slave States together—and New York two-thirds, when she contributed not one-seventh as much to the war. A calculation (founded on data) in No. 307, Sen. Doc., 1838-'39, shows that from 1791 to 1838, inclusive, $35,598,984 have been paid for revolutionary pensions; of which the North received $28,262,597, or $127 29 for every soldier she had in the war, and the South $7,336,367—being only $49 89 for each of her soldiers.

It might be said that this was owing to the negligence of the South—that the southern people did not come in and ask for pensions. In reply to that, I would mention what I have been informed at the Pension Office. I was told that a law was passed in Massachusetts at the opening of the revolutionary war which required every man between the ages of sixteen and sixty to enrol his name. Thus the whole male population of Massachusetts were enrolled; and, when the pension system came to be adopted, Massachusetts brought here this list as evidence of revolutionary services, and it was acknowledged. I do not know that the people of Massachusetts are to blame for this; for if governments will pay out money I know people will generally take it; and our northern friends are not the people who will pass by the door when it is open for them to obtain money. A man in South Carolina, who, I learn, had fought under Marion and Sumter throughout the whole war, and lived in swamps—where the muster rolls were lost, amidst the rains and wet they had to encounter—could not establish his claim to a pension from the general government. The State of South Carolina was obliged to pension these soldiers herself to the amount of many thousand dollars a year. Before the United States adopted the pension system, South Carolina paid ten thousand dollars a year to her revolutionary soldiers—Massachusetts paid only two. When the matter fell into the hands of the general government, they were reversed.

These are some of the incidents in which the favor of the government has been unequally bestowed. Let me allude to another subject—the public lands. I wish to show to the Senate that in all the operations of this government there is but one story throughout—the North lives, the South suffers. Turn to the public lands. The sales up to January 1, 1849, amount to 137,000,000. 79,000,000 of this result from the sales of lands in the Northwest Territory, 33,000,000 more from lands given by the State of Georgia, making 112,000,000 out of 137,000,000 given by the South. How has the government signalized its benefactions in its donations? The free States have taken 5,474,475 acres, worth at the public price, $7,554,999, while the slave States have received only $3,000,000—less than one-half.

The system of internal improvement has been long a source of contention. In 1845 there had been spent by the general government on roads, harbors, and rivers, exclusive of the Mississippi and Ohio rivers, which are common to both sections, $15,201,223. Of this sum, the South received $2,757,816, while the North obtained $12,743,407. Is it wonderful that the North favors this policy?

I will notice one more rather small affair; but it shows the invariable tendency of things in the policy of this government. I allude to the fishing bounties. I know very well the reason which was assigned for those fishing bounties. It was to encourage seamen, with a view to the defence of the country. So in all these appropriations and all these schemes, by which the North has been aggrandized at the expense of the South, high and generous motives were urged in their support. It was not merely the interests of the country at large; it was not merely to encourage seamen that the system was begun; and it is only continued because it is profitable to the North. The navigation and seamen of the North are sustained principally by the whale fisheries and the cotton of the South. And now, when our navigation exceeds that of any nation in the world, we still see this small affair going on—small apparently, but amounting, in a few years, to a very large sum. How much do you think the North has got by these fishing bounties alone? Out of $10,000,000 paid out of the treasury of the United States, the slaveholding States have received $150,000, and the North $7,850,000. It is impossible to estimate exactly the value to the North of the monopoly they enjoy of our whole coasting trade, and the employment to their shipping the transportation of our cotton affords. It has been estimated by some able men at not less than $40,000,000 a year. The gulf-stream of prosperity sweeps from the South to the North.

Mr. President, under such financial operations of the government, the result upon the two sections of the Union must be inevitable. Let us compare the condition of the two sections of the country just before our revolution and forty years after. In 1760-'69 the southern States, with a population, as I have stated, of 1,200,000, exported produce to the value of $42,297,705, while the exports of New England, New York, and Pennsylvania, with a population of 1,300,000, were only $9,356,035—less than one-fourth. Forty years later, in 1821 to '30, the exports of the same southern States were but little more than one-half of these same northern States—222 millions of dollars to 427. In 1760-'69 South Carolina and Georgia exported twice as much in value as all New England, New York, and Pennsylvania. Of these exports the greater part was from South Carolina, as Georgia was in her infancy. In 1821-'30 these States were exceeded by New York alone. In the former period Virginia and Maryland exported five times as much in value as all New England, eight times as much as New York, and thirteen and a half times more than Pennsylvania. But, in the latter period, Virginia and Maryland exported but ninety-two millions, whilst New England exported one hundred and thirty-six millions, and New York two hundred and fifteen millions. The registered tonnage of South Carolina, from 1791 to 1837, actually diminished fifty per cent.; whilst that of New York doubled, and that of Massachusetts trebled.

Mr. President, I have gone into these details to show the operations of the general government upon the two sections of the Union. You will see that in former days we of the South were prosperous and happy. How are we now? Our commerce is flown, our peace destroyed, our equality denied. The North, formerly poor, now riots in prosperity, and not only threatens our liberties, but our existence itself. Can the operations of a government which produces such results amongst equal States and equal men be constitutional? What was the principle of taxation for which our fathers contended in our revolution? It was this: that the people of South Carolina should tax themselves, and thus rule themselves in taxation. Have the people of South Carolina, for the last twenty-five years, taxed themselves, or ruled themselves in taxation? No, sir. Every tariff, including the tariff of 1824, has been against their views of their rights and interests. Her representatives in Congress have presented one continual and unchanging protest against your whole system of taxation and expenditure. In what respect are the people of South Carolina now different from the state in which their ancestors would have been if they had submitted to the taxation of England. We are taxed against our consent—taxed in spite of our representatives. Although it is true that our ancestors contended that we should not be taxed without representation, yet, when the British ministry proposed that we should have six representatives in Parliament, they rejected it; and why? Because six representatives could not control the taxes to be laid upon them. They would have been as nothing in a Parliament of six hundred men, having different interests, and necessarily ruling and overruling them. They, therefore, disdained the proposition. The people of South Carolina have stood in exactly the same position in the Congress of the United States that our fathers would have done in the British Parliament. We have been taxed without our consent, in spite of our representatives. Our fathers fought for self-government, self-taxation, self-appropriation of the taxes after they were raised. That was the ground for which they fought; and they said that if they did not fight they would not only be subject colonies, but degraded and ruined colonies; England would exhaust their means by raising taxes to be expended away from them. Are we in any other condition now? The South is nothing else now but the very best colony to the North any people ever possessed. England has not now, and never had, such colonies. The feeble South has been uniformly taxed against her will, contrary to her will, and against her conviction of right. Under the pretext of levying duties for revenue, this government has laid duties, not for revenue, but to the exclusion of revenue, for the benefit of northern manufacturers, and has thus compelled the southern people to minister to the aggrandizement and wealth of the North. At this moment, in Great Britain—that country where, according to even senatorial orators, the people are ground to powder—the tariff is but 20 per cent., and that on the luxuries of life; ours is 30 per cent. on the necessities of life. We are colonies, sir; and, after submitting to the operation of such a system of government for so many years, is it at all surprising that now, in her day of culminating prosperity and power, the North, having already taken twenty-eight States, should also take territory from the South enough for twenty-one more? No, sir, it is not at all surprising.

When the question in relation to the Territories came up, what had we a right to expect, except that the principle which had heretofore governed the North should govern them then? I knew that it would be so. I am not one of those who have been deceived by the result. I knew it would be so; and hence when, on returning to the city of Charleston, I was called upon to give an account of my mission—and after a representative had previously declared that, in his opinion, the line of 36 deg. 30 min. would be adopted by the North—I frankly stated my opinion that it would not be conceded to us. I there said that the South would not even get the poor pittance of 36 deg. 30 min., although that would give her but one-fourth of the territory. Subsequent events have realized what I then said. Looking at what had occured in 1833, when the other southern States, after having taken high ground with South Carolina, abandoned her, I ventured to suggest then, also, that it was probable they would do so again; and in that event I was for South Carolina resisting alone. In expressing this opinion I did no more than counsel South Carolina to do what Virginia, Georgia, Mississippi, and other southern States had declared they would do. They declared, not that they would wait for assistance from other States, but that they themselves, each for itself, would, at every hazard, and to the last extremity, resist these aggressions.

The controversy of our fathers was a controversy for principle. Ours is not a controversy for principle. It is not even a controversy for liberty. We have conceded our liberty as to taxation as well as expenditure. We have allowed the constitution to be trampled under foot; and, when this last great outrage occurred, it was plain that if the North got the ascendency as to the appropriation of the Territories, it would not be with us a question of liberty, but it would be a question of existence. The South must be free, or the South must perish. That is her doom. If any other people, or any other nation upon earth, is to control her destinies, she must be blotted out from the list of States. It is in vain to look for conciliation on the part of the North. It is in vain to expect that they will stay their policy of self-aggrandizement. They may pause, but not stop. The policy of this Union is under the control of northern sentiment and northern interests; and in pursuing this course, they will only do what probably every other people would do under the same circumstances. If the South stood in precisely the same position, I do not know that she would not pursue the same course toward the North which the North has pursued toward the South; for I have a profound conviction of the utter weakness and perversity of our fallen nature.

Mr. President, it is not the part of a patriot or a brave man ever to despair. Looking over the condition of things, I would wish any man who can comprehend the position of the South in relation to the North to tell me whether it is possible to avoid the conflict that must come. And if the conflict is to come, what can the South gain by delay? What can the citizens of the cotton States gain by postponing this controversy? If you know that you have a deadly enemy, and that he is determined to destroy you—that he only waits for midnight to light the fire that will involve your family in flames—will you wait until the night comes and the torch is applied? or will you not meet him in open contest and open day, and settle for him and for you, and for those dependent upon you, the great question whether you shall live or die? The South can gain nothing by delay. Hence it is that I have been for secession with other southern States; and if they would not secede with us, I have been for the secession of South Carolina alone. She can but be subjected and enslaved; we can but have those guns now monnted at Fort Moultre and the bayonets of the soldiers within its walls used against us. We are now nothing but an outraged and degraded colony. Worse than that, we are an insulted and endangered colony; and if we do not shortly right ourselves, in my opinion we must soon be a ruined colony. The fate of Jamaica must be ours, although our country is different from Jamaica, where the beasts of the field and the African do not necessarily take possession of the home of the once proud Anglo-Saxon. I am for meeting the difficulty now. The sooner, in my estimation, the better for the people I represent—the better for the whole South. If the South cannot unite in making one common effort, let one State, if she has the courage and the power, do it, and for good or evil bravely dare the consequences. That is my counsel for the State I represent—my counsel for the South.

But we are told that we have no right to secede from the Union, and that the general government will bayonet and shoot us if we make the attempt. Sir, what the government will or will not do is not a question for freemen. With them, mere force never yet satisfied or deters. Has a State a right to secede from the Union? That is the question. If she has the right, what matters it that mere brute power stands in the way? I am not to be deterred by the accumulation of force recently sent to the United States forts in Charleston bay. No, sir; if I needed anything to inspire me to march on, it would be that; because it proves that this government is prepared to be a despotism—a military, coercive, bloody despotism—such as lately subjected Hungary to Austria. In that attitude, so far from shrinking from the controversy, my spirit rises higher, and I am more prepared than ever to meet the conflict, whatever it may be, and to carry it on to the last.

But, sir, I will now endeavor to show that the State of South Carolina has a right to secede from this Union if she thinks fit. The right of secession is not a right derived from the constitution of the United States. I observed that, in some resolutions which were laid before us the other day, it was spoken of as a right not granted by the constitution. Why, sir, the right to hold legislative assemblies, and of taxing our people, and all the other powers connected with a State government, existed before the constitution, and are not granted by the constitution of the United States. The right to secede, like all these powers, is a reserved right. It is a necessary incident connected with the reserved sovereignty of the States. One State could not give to another, and the constitution could not give to the States, the right to secede. They had it previously. The first question for us to consider is, were the States sovereign? If they were sovereign, is there anything in the constitution of the United States to impair that sovereignty? If the States were sovereign—if the constitution is a compact between them, and if in that constitution there is no concession, no grant of the sovereignty of the States—that sovereignty still exists. Although the State does not and could not contain in it a grant of sovereignty, yet it does in several clauses, in one particular, distinctly recognise it. I allude now to that clause concerning treason. It reads thus:

> "Treason against the United States shall consist only in levying war against them, [the States,] or in adhering to their enemies, [the enemies of the States,] giving them aid and comfort."

Treason is a violation of your allegiance to your sovereign. Allegiance, according to the laws of nations, is a correlative to protection. The sovereign protects; and on that ground allegiance is due, and treason is a violation of that allegiance. See the close connexion between the sovereignty of the State and treason. Against whom can treason be committed under the constitution of the United States? Against the government of the United States—against the Union, or the people of the Union aggregately? No, sir; the government is only the agent of the sovereignties of the States. It is the creature of these sovereignties—made for certain purposes, and endowed with certain powers to effect them. But the sovereignties are the States, and hence the constitution speaks of them as the sole objects of treason. There is, then, in this article, although there can be no grant of sovereignty, a distinct recognition of it in the constitution. Treason against the United States is a violation of allegiance to the sovereignties who established the system of government, and those sovereignties are described in the constitution as the States. A person levying war against *them*, or giving aid and comfort to *their* enemies, is guilty of treason—showing distinctly that treason can be committed against them and against them only.

But let us leave that question, and go higher up in the argument. I pray the Senate to bear with me, because, if my conception of public affairs is correct, this is no idle dissertation; it is no by-play here for the entertainment of the audience; but it is a question upon which bayonets may be crossed and blood may be spilled. Therefore it is important for every man in the present state of things at the South to know where his duty lies, in order that he may discharge it faithfully to that authority which has a right to demand its exercise.

Let us go back of the constitution, where this question properly belongs. The Declaration of Independence declares the States to be free, sovereign, and independent States. I have heard it said that that was a united declaration; and that, therefore, it only meant that the States were sovereign and independent unitedly. The State I represent did not wait for the Declaration of Independence to establish her independent existence. Neither did the people of Virginia, nor the people of New Jersey. In March, 1776, the people of South Carolina set up for themselves a government and a constitution of their own. Pardon me here, sir, if I digress, and state how they accomplished it. They were not very scrupulous concerning the words traitors and demagogues. They were intent upon things, and did not fear the words rebel and traitor when they were fulminated against them. Not having arms, they determined to seize 1,200 muskets from the British arsenal at night. It so happened that that very night they were to execute their intention they heard the glorious news of the battle of Lexington. You may easily imagine that it did not dispirit them; but they marched in upon the British garrison that night, and seized the 1,200 muskets—an open, acknowledged act of treason. They wanted powder, and seized a government vessel containing it, lying at St. Augustine, and supplied themselves. A proposition was made in their self-constituted assembly by Arthur Middleton to take the British governor, Lord William Campbell, into custody. It was nearly carried; and the governor, finding the colony a bad place to be in, thought it best to go out, and accordingly he went aboard the British sloop-of-war Tamer, then lying with the Cherokee in Charleston bay. Our ancestors were not satisfied to leave him there; they determined to drive him and the vessels out of the bay; and they accordingly organized a force to seize Fort Johnson. The British military, seeing their design, dismounted the guns, and went on board the sloops-of-war. The cannon were soon remounted, and a battery constructed the other side of the bay, where Fort Moultrie now stands. They opened a fire on the British ships, and drove them out of the bay. That was the way in which they got rid of the British government and governor. They then met and formed a constitution, of which the preamble set forth their wrongs and grievances. They adopted a constitution on the 4th of March previous to the 4th of July when the Declara-