it is. Does he deny it? I call upon him to meet the point directly, and to assert either that Mr. Calhoun did not make that speech, or to admit the position which is assumed in it.

Mr. BUTLER. After this parenthetical episode, I hope I may be permitted to proceed. I believe that an episode is defined to be that which neither accelerates nor retards the main action of the poem. [Laughter.] Mr. President, I was about to explain, had not my friend anticipated me with rather too much eagerness. The speech referred to will stand without any admission of mine. I do not feel bound to meet or oppose it. I was never in the habit, during Mr. Calhoun's lifetime, of hesitating to entertain my own opinions, and avowing them as such, whether they concurred entirely with his or not; nor do I deem it incumbent on me now, whenever I express an opinion or utter a sentiment, to show that such was the opinion or the sentiment of the distinguished statesman of South Carolina. It was my good fortune generally to agree with him upon points of importance in our national policy, but not always; and I never supposed myself under any obligation to appear to do so when such was not the case. I take this occasion now, once for all, I hope, to repeat what I have said here before, that when I speak of Mr. Calhoun I refer to him as an historical character—a man whose reputation is consigned to the history of his country; as a statesman of the nation, rather than as my immediate colleague while he was alive. His opinions and measures are common property, and are far beyond the necessity of my keeping or vindication. I could add nothing to them, and could not make them clearer by any explanation. Indeed, I doubt whether the reader who peruses them would not prefer to dispense with explanatory annotations from any source. But, sir, when Mr. Calhoun is appealed to as the authority by which we are to be guided, I beg to appeal to his published speeches. As was said by the distinguished Senator of Massachusetts of his own State, "There they are; they speak for themselves; they require no eulogy." They will not be affected by either the assaults of enemies or the advocacy of friends.

But, sir, I undertake to say that my friend from Mississippi [Mr. FOOTE] has assumed a doctrine which, as far as I know, Mr. Calhoun never expressed, and to which be was never inclined, and which I think he would not maintain, in the present emergency, if he were now among us. He never advocated any such system of non-intervention as that which is now attributed to and advocated for him, and which is that of total non-intervention by Congress. He required Congress to do its duty in giving constitutional governments to the territories, with general legislative authority to pass laws, and without restriction or prohibition. His idea was that territorial governments should be formed with no restrictions whatever in regard to slavery; leaving them open to the people of *all the States* to go there with their property while they remained territories, and leaving it to the territories, after the jurisdiction of the United States over them was withdrawn and leave was granted to form their own State constitutions, with or without slavery, as they might see fit. They were to have the ordinary chart of territorial governments, and non-intervention was a doctrine which was applied to them while they remained in the territorial condition. He, sir, recognised, in its utmost amplitude, the right of every people to provide their own form of government, under such constitution as they should adopt, when they were in a constitutional condition to deliberate on the formation of a constitution—when they had leave to become a State.

And let me say to my friend that I do not intend to debate this subject now. I join heartily in his denunciation upon the attitude assumed by the people of New Mexico. I do not care by what influence they have been induced to assume that attitude in this confederacy, and to apply for admission into this Union. They have but followed the pattern of California, and what has been said of the one may be said of the other. *Nomine mutato, de te fabula narratur.* I apply the same remark to California which is applicable to New Mexico, if she shall assume the attitude which California has assumed. The second edition does not seem so palatable to certain readers as was the first edition, but it is the same doctrine. There is no real difference. If California comes into the Union under the present aspect of affairs, it will be upon the same footing with that which New Mexico would asume. The example is dangerous and leads to confusion and anarchy. If such political communities shall claim the rights of sovereign States by their own violation of rights, or through an ageney and influence unknown and hostile to the Constitution, they will come in, not through the legitimate gate by which others have entered, but through a breach in the Constitution, made by connivance, and sanctioned by numbers, under a feeling that has gone far to undermine the rights of those who have vainly claimed its protection.

But these are remarks rather apart from what I was saying of Mr. Calhoun and his sentiments. I believe that he was in principle opposed to the Missouri Compromise, and so strong were his convictions that he said he could not vote for it. But I know this much with certainty, that he was willing to acquiesce in the votes of those who could go for it; and I go further and say, that he was extremely desirous of things going to any extremity. In the early part of this controversy, he wished to stop it by any honorable means, and said he could acquiesce in the Missouri line, if adopted by others. What others could do he could not, but what they did he was willing to abide by. He sincerely wished the controversy adjusted before its agitation should make issues that could not be avoided. His anxiety was known to many. He was a man without disguise, and rarely, on public questions, withheld his opinions from any one.

I may have occasion to give my own views, and therefore it is unnecessary to give them now. At one time I would have settled this question on a mere point of honor; but everything like respecting even Southern sentiment, much less Southern rights, has been disregarded. Issues have been forced upon us, and I will now cavil on the ninth part of a hair.

Mr. DAVIS, of Mississippi. When I became convinced that this bill could never be so amended by the Senate as to receive my vote, I determiaed not to trespess further on the patience of Senators with any remarks of mine until the bill should have reached its final stage. I therefore rise now to address the Senate reluctantly, and it shall be done briefly; reluctantly for the reason I have just given, and more reluctantly still because the speech of my colleague requires from me a reply. I would gladly have been spared this task. I have studlously avoided it during the progress of this debate; and had it not been that to day, with more than ordinary violence, he directed his arraignment against those who entertain an opinion which I had the honor perhaps most prominently to announce, I should have allowed this occasion to pass, like others, without any exhibition on my part of the opposition of opinion between my colleague and myself.

Mr. FOOTE. My colleague must permit me to say, in justice to myself and to the understanding which exists between us, that I did not intend to include him in my remarks.

Mr. DAVIS. I do not intend to charge my colleague with a desire to assail me, but he certainly attacked opinions which I explicitly announced upon this floor, and in language that was certainly offensive. Now he says he is—

Mr. FOOTE. I will state frankly that the opinions which I assailed were first promulgated by the honorable Senator from Florida, [Mr. YULEE,] and my remarks were designed, so far as they were intended to have special application at all, to apply to him.

Mr. DAVIS. I do not claim to have originated the idea; but long before this bill was reported I announced my *ultimatum* to the Missouri Compromise, with recognition below the line as distinct as the exclusion above it. That I believed to be the *ultimatum* of my constituents, as it is the *ultimatum* which the Nashville Convention, where our State was represented, and which it first suggested, has put forth.

Mr. FOOTE. It is not, as I believe, the *ultimatum* of my constituents.

Mr. DAVIS. The Senator says "not his constituents." I thought, sir, that he and I represented the same constituency—

Mr. FOOTE made some further remarks.

Mr. DAVIS. I will reach that before I close my remarks, since the Senator makes the issue.—But my colleague calls on all those who agreed with Mr. Calhoun when living, and are willing now to adhere to their opinions, to meet the issue, and defies them to answer the argument that he has this day presented. Sir, Mr. Calhoun denied the power of Congress to prohibit or to establish slavery; he asked nothing but the guaranties of the Constitution. That is all I ask now. But the Senator, in his zeal, which surely outruns his discretion, announces that he would scorn to receive protection from Congress for his constitutional rights. What, sir! scorn to receive protection for a constitutional right? For what was this Government founded, then? It is your constitutional right to have trial by jury: would my colleague scorn to receive provisions necessary to secure that? Would he scorn to receive, at the hands of this Government, the execution of the many trusts conferred upon it for the benefit and protection of its citizens at home and abroad? If not, why should he scorn to receive the protection of Congress for slave property, which will secure to the South the enjoyment in these territories of those general rights of property, not denied to others, but which now fully inure to every portion of the Union? What, sir, is there humiliating in the attitude of the South, if it claims from Congress legislation to remove the obstructioes of Mexican law? What is there humiliating in the attitude of an American citizen who claims that the Constitution and laws under which he was born, and which he is bound to support, shall be his shield upon American soil? Sir, our hardy mariner, who wanders to the other side of the globe upon which we live, looks back to the land from which he hails, and claims the shield of its laws and Constitution still to be over him. It is my pride to claim and to receive the protection of my constitutional rights at the hands of the Federal Government. It is my pride to sustain this Federal Government in the execution of those functions which make it emphatically the protector of our constitutional rights,

This is my position; and this I consider to be the true position of the South. It is not humbly to beg favors, but to expect the discharge of duties. My colleague first places the South in the attitude of opposing the renewal and extension of the Missouri Compromise, and quotes from Mr. Calhoun to establish that position. He refers then to a conversation between himself and the Senator from Indiana, (Mr. BRIGHT,) in the presence of the late President, now deceased, to show his own friendship for that plan of settlement. I recollect well the introduction of that amendment by a Senator from Indiana; but I do not recollect a vote which showed the opposition of the South. I was not one of Southern men with whom my colleague conversed, and who he says were opposed to the Missouri Compromise. I always—

Mr. FOOTE. I did not refer to my colleague.

Mr. DAVIS. I suppose you could not allude to me in that part of your remarks. But, Mr. President, my colleague must recollect, when he attacks the position upon which I stand before my constituents, that his remarks are to be, more than those of another, read by those constituents, and that to reply to them becomes, therefore, especially necessary to me. Then, I ask, when did the South ever show opposition to the Missouri Compromise since it was acquiesced in by the Southern States? What vote establishes that fact? What speeches, made in the Senate or elsewhere, establish that fact? That proposition was voted down by Northern men in the House of Representatives, when offered to the Oregon bill by a member from South Carolina; that proposition has been voted down in the Senate, I believe, every time it has been separately voted on, save once: that was when the Senator from Illinois, [Mr. DOUGLAS] offered it in the terms on which we now advocate it, in the sense and spirit of the original compact. Then it was sustained by the South with unanimity, and then Mr. Calhoun was one of those whose vote is recorded among the ayes.

Mr. FOOTE. When was that?

Mr. DAVIS. On the 10th of August, 1848. He voted then for the amendment of the Senator from Illinois, declaring that the Missouri Compromise was to be extended in the sense and spirit of the original compromise. That is what we want now. We want the sense and spirit of the original compact honestly carried out. We do not seek to deceive others. It is our purpose not to be deceived. If others are willing honestly to carry out this compromise, and if they will meet the question like men, and say what they mean in unequivocal language, I am willing to meet them on that platform. But if they seek to delude the country, to conceal their purpose in hollow words, and to bring us into the adoption of a measure that carries nothing conclusively with it, then I have only to say I do not intend to deceive myself, nor to be made the instrument of deceiving or attempting to deceive those whom I represent.

But from this relation of opposition my colleague passes on and puts the South in the position of seeking the Missouri Compromise as their choice—their desideratum. That is not my attitude either. The amendment now pending before the Senate is an amendment to limit the Southern boundary of California by the parallel of the Missouri Compromise. Is that asking the Missouri compromise as our desideratum? or is it not rather claiming that you shall not infringe the Missouri Compromise—that yon shall not cross it with a State organized because of, and influenced by the anti-slavery feeling of Congress?—driven into their organization and into the prohibition of slavery for the very purpose of gaining admission into the Union? Surely, Mr. President, that is now sufficient ground for saying that the South now come forward for the Missouri Compromise, and that it is their particular choice. They have taken it as an alternative heretofore, and respected it as a peace-offering on the altar of fraternity. They now demand that you shall not violate it; but, so far as I know their opinion, and so far as I am any representative of it, they claim now, as they always have claimed, their constitutional rights to be as broad as the Territories of the United States.

But, sir, in a spirit of concession and amity, and for the sake of that Union which is eulogized in such sounding phrases by those who alone disturb its harmony, and who we must therefore suppose do not feel for it with half such intensity as ourselves—in that spirit, and tor that purpose, we are willing to restrict our rights—to carry out the compact made by the last generation, at the sacrifice of our rights in a large portion of the territory. Yes, sir, without asking from our brethren of the North that they should yield one jot or tittle in all the territory, we are willing to extend the line of 36° 30′ to the Pacific, and give to the North exclusion of slavery in the country above that line, without asking any peculiar privileges in the country below it. All of the territory south of 36° 30′ would remain free from contest or obstruction, open to every man in the United States to go and settle there with every species of property, in the United States. For this most advantageous arrangement to the North, the Missouri Compromise line was drawn in 1820; for this it was extended when Texas was admitted; for this now, when the admission of California is under discussion, we say we are ready again to extend the line to the Pacific, and close the disturbing question forever.

Mr. President, I could not imagine an association of freebooters so lost to that sense of justice which characterizes mankind, that they would engage in the acquisition of plunder, and then, when those who had stood shoulder to shoulder with them in every struggle, who had furnished a fair share of the means, who had borne a full proportion of the toil and danger and sacrifice of blood, claimed a division, that they should deprive them of all share in the acquired spoils. And can it be, sir, that a band of freebooters have a stronger sense of justice than the Senate of the United States? I will not pursue so offensive a parallel; but I ask every man who hears me to run the parallel in his own mind between the case which I have put and the acquisition which followed the Mexican war, and then ask himself whether, in honor, justice, and good faith, our friends at the North ought to deny to us a fair participation in the acquisitions of that war? I am one of those who claim that if the territory cannot be enjoyed in common, it should be divided, and that the whole question as to our right to enjoy that portion assigned to us should be finally determined by the act of division. I want an end of this controversy. I do not wish for an act which will merely change the issue and leave the contest open. I want something which will be final—something which will be truly that which it is constantly assumed this so-called Compromise bill is—a settlement of the question.

Let us, when we arrange a settlement, be sure that we reach the point at which controversy cannot again arise. How is that to be reached? Does any man here believe that either section of the Union will surrender its opinion upon this question? Surely not. By what means, then, are you to terminate the controversy so that it shall not be again revived? I say by extending that line, which has now the acquiescence of thirty years in both sections of the Union, a settled construction, and the confidence of the American people, until it reaches the limit of our possessions on the Pacific. By explicitly declaring the rights upon one side and upon the other, you will have terminated the controversy forever. If, according to the opinion of some Senators who have spoken, on this subject, no territory shall be found into which any slaveholder would immigrate with his slaves, so be it. We but ask of you a fair opportunity. We ask of you, not all to which we are entitled as your equals, but merely an adherence to the compact which was made with you when the advantage was all on your side. We ask no more, and less than that, I trust, the South will never accept. But, sir, the opinion of Mr. Jefferson, endorsed by Mr. Calhoun, has been referred to in connexion with this question. I cordially approve of the position taken by both, in opposition to politico-geographical divisions, and as to the evil of geographical parties. I believe it is a misfortune that the Missouri Compromise ever was adopted. Far better if institutions had been left untrammelled to whatever determination the climate, soil, or the character of the people might dictate. Far better that the line had been jagged, and waving, and the localities of different institutions interlocked, so that the people holding and those not holding slaves should have been brought in juxtaposition, and have been better enabled to understand each other.

When a parallel of latitude was drawn across our territory, and declared to be the division between the slaveholding and non-slaveholding States, well might Jefferson point to it as an indication of the future disruption of the Union: when the wedge enters, we may anticipate the rending of the oak. But, sir, it has been happily found inadequate to the rending of our Union. Fraternity, patriotism, and good sense triumphed; the Compromise has been acquiesced in. The generation has grown up which is now governing the country since that Compromise was adopted. We stand now in another and a very different attitude towards the proposition from those by whom it was adopted. Although it was an evil in the beginning, it is now the best resource within our reach, if not the only thing which can produce permanence in the settlement of this vexatious controversy. It seemed strange to me to hear the supposition that our lamented friend, Mr. Calhoun, would, if living, support the measure before us. That he who has been justly called by my colleague our leader upon this great issue between the North and the South, the champion who was taken away from us like a summer-dried fountain when our need was the sorest; that he who never shrank from demanding on every occasion the whole rights of the South; that he who opposed the Missouri Compromise because it gave to the South less than was her right; that he who was always first of his friends in every contest involving Southern interests and Southern honor; that he should now be held up as an advocate of that "non-intervention" which leaves in force the Mexican laws prohibiting our entrance into the country, and forbids Congress to remove those impediments which stand in the way of the enjoyment of our constitutional rights, is strange to me, surprising beyond expression. Sir, can any one of those who have served with Mr. Calhoun, or watched his course from however remote a distance, doubt where he would have been found upon this question? Can any one, who has read the speech which ciosed his career in the Senate, doubt as to what were Mr. Calhoun's opinions upon all the points which have been raised in the progress of this debate? Surely none can do it.

But as to the other point, whether or not he would have agreed to the extension of the Missouri Compromise, with the recognition of slavery below the line, we are not left to mere conjecture. Not only did Mr. Calhoun vote for the Missouri Compromise, when offered, in the sense and spirit of the original compact, by the Senator from Illinois, and on that occasion indicate his willingness to acquiesce in such a settlement, but he voted for the same proposition, the Missouri Compromise line, as contained in what was called the Clayton Compromise bill. It is not because one asserts a constitutional right to be higher or broader than the basis of this partition, that it is therefore to be taken for granted he will, in every contingency reject it. Its history gives it a consideration above its merit. It has come down from 1820, renewed in the case of the State of Texas, both times diminishing the territorial strength of the South, and by her has been faithfully observed ever since it became, or was believed to have become, the settled policy in relation to the Territories of the United States. But, properly enough, the South has stood back to allow those who hold the power to pass or to reject it to propose the line. It was once proposed by the Senator from Indiana, who now occupies the chair, [Mr. BRIGHT,] and I well recollect the regret that I felt on that occasion that it was not made sufficiently explicit, and brought to a vote. The same amendment, however, after it was withdrawn by the Senator from Indiana, was renewed by another member of the body, and was further amended by the Senator from Kentucky, [Mr. UNDERWOOD,] who proposed a distinct recognition of the right to carry slaves south of 36 deg. 30 min. It is not now, therefore, for the first time that the South has demanded a distinct acknowledgment of her right. At that time I had reason to hope, far, far more than I have now, that the amendment of the Senator from Kentucky would be agreed to, and that the Missouri Compromise would be fairly, justly, honorably carried out, in the sense and spirit of the original compact, the line being extended until its trace was lost in the waters of the western ocean.

Mr. UNDERWOOD. I have already, in the course of this debate, stated very briefly the history of that transaction. I will repeat it again, as it has been brought up to-day. The Senator now occupying the chair [Mr. BRIGHT] offered an amendment to what was called the Oregon bill, and it was printed. That amendment proposed 36° 30′ north latitude as the division of the territory, not stating distinctly that slavery would be tolerated on the southern side of that line. I proposed to amend that amendment by a distinct recognition of the right of the Southern people to take their slave property south of the line. My amendment was printed also. I am informed by the Senator from Georgia, behind me, [Mr. BERRIEN,] that the Senator from Indiana withdrew his amendment, and that it was renewed by him. But while these amendmente were thus pending, the committee of eight was raised, and the bill, with the pending amendments, was referred to the committee of eight. In that committee I introduced my proposition of distinctly recognising the right of Southern individuals to go South of that line 36° 30′ with their slave property, to be protected. Mr. Calhoun made a suggestion to me with regard to the language of the proposition which I submitted, and in the course of our conversation he stated, if it were adopted, he would submit to the line, although it did not meet his views. It was not what he required, but he would acquiesce in it, if adopted. In the committee, he constituted one of the four who voted for the proposition thus offered by myself; but it was rejected by a division of the committee—four to four. These are the facts in reference to the matter.

Mr. DAVIS, of Mississippi. I am glad to have received this minute explanation from the Senator from Kentucky upon a point of history which is valuable. It establishes several main points: First, that this is no new proposition; second, that it received the countenance of half the committee that was engaged on a compromise measure at a former period; and third, that the distinguished Southern statesman, long the recognised leader upon all questions peculiarly belonging to the rights and interests of the South, as a member of that committee, acquiesced in the proposition of the Senator from Kentucky, voted for it, and was willing with that condition to extend the Missouri Compromise line across the continent, and thus close forever the only cause of serious discord between different sections of our Union. It was, therefore, with surprise—these things, at least many of them, being fresh in the memory of all—that I heard my colleague say that any one had had the infamous falsehood and audacity to assert that Southern men had introduced this proposition to embarrase the bill before us, and prevent the adjustment of existing difficulties.

Mr. FOOTE. Will my colleague excuse me? I did not hear the beginning of his remark.

Mr. DAVIS. I will repeat it, then. I said that it was with surprise I heard my colleague say that any one had had the infamous falsehood and audacity to assert that southern men had introduced the Missouri Compromiss in order to embarrass the bill before us, and to prevent an adjustment.

Mr. FOOTE. I understand my colleague now, and I will simply state that I did not charge any Senator or member of the House with such an intention, but I said that there were individuals elsewhere who supported the proposition for such a purpose. I cordially acquitted all those with whom I am associated here of any such design: the Senator's words, therefore, canaot apply to me.

Mr. DAVIS. My colleague might very well have relied on it that they did not. The uniform courtesy with which I have treated him might have assured him that my language was not intended to apply to him.

Mr. FOOTE. I knew my colleague did not so intend it, but it might have been so understood by some of those present.

Mr. DAVIS. I do not see how my language could have been so understood. I should be sorry if any one could suppose that I would charge my colleague upon this floor with crimes so degrading as those I was describing. Not at all. He distinctly stated that it was not here but elsewhere that the accusation was made. The accusation is one of those many falsehoods that are now floating through the air. It is a part of the work of that set of scavengers who hang over the Senate, and pounce upon every Southern man who advocates the rights and principles of his constituents. It is a part of the work of that class of men among whom the "letter-writers" whose infamous business it is to invent or gather slander, and cater to a vitiated appetite for calumny; one of whom—he must be the vilest Hessian of his class—I am informed is now receiving money to abuse myself and other Southern men for the manner in which we have felt it incumbent upon us to represent our constituents here.

Sir, I regret that the introduction of the subject has led me into even a passing notice of such things as these: it is not my habit thus to trespass on the Senate. Proud in the consciousness of my own rectitude, secure in the approval of my own constituents, I allow the press surrounds us to pour in their artillery without fearing harm from their fire. I have allowed defunct politicians, resurrected for the purpose, to throw in their blows too. I have allowed speeches to go out, one after another, which have placed us in an attitude which does not belong to me, and I have looked upon it with the indifference which belongs to the assurance that I am right, and the security with which the approval of my constituents invests me. I am not prepared to consider the position of a United States Senator so low that he must stand at the mercy of every petty newspaper or degraded letter-writer. I cannot estimate the intelligence of my countrymen so cheaply as to believe I am to be judged by either the praise or condemnation of hired scribblers. I trust my life, which except when in the service of my country, has been spent in the State I partly represent, gives me a character not thus to be destroyed. I have hoped for, not feared the coming of the judgment of my constituents, though, from the very inception of this measure down to the present hour, the country has been flooded with missiles representing all who favor this particular bill as in favor of the Union, and every Southerner who opposes it as opposing it for purposes of disunion. Now, sir, when a respectable man shall ever make that charge against me, I will answer him. When any respectable man shall ever accuse me of being a disunionist, I will answer him in monosyllables.

At present I have no wish to enter into an argument to prove that false, which I hope no gentleman will charge, and which my whole life utterly condemns. If I have a superstition, sir, which governs my mind and holds it captive, it is a superstitious reverence for the Union. If one can inherit a sentiment, I may be said to have inherited this from my revolutionary father. And if education can develop a sentiment in the heart and mind of man, surely mine has been such as would most develop feelings of attachment for the Union. But, sir, I have an allegiance to the State which I represent here. I have an allegiance to those who have intrusted their interests to me, which every consideration of faith and of duty, which every feeling of honor tells me is above all other political considerations. I trust I shall never find my allegiance there and here in conflict. God forbid that the day should ever come when to be true to my constituents is to be hostile to the Union. If, sir, we have reached that hour in the progress of our institutions, it is past the age to which the Union should have lived. If we have got to the point where it is treason to the United States to protect the rights and interests of our constituents, I ask why should they longer be represented here? Why longer remain a part of the Union? If there is a dominant party in this Union which can deny to us equality, and the rights we derive through the Constitution; if we are no longer the freemen our fathers left us; if we are to be crushed by the power of an unrestrained majority, this is not the Union for which the blood of the revolution was shed; this is not the Union I was taught from my cradle to revere: this is not the Union in the service of which a large portion ot my life has been passed; this is not the Union for which our fathers pledged their property, their lives, and their sacred honor. No, sir, this would be a central government, raised on the destruction of all the principles of the Constitution, and the first, the highest obligation of every man who has sworn to support that Constitution would be resistance to its usurpation. This is my position.

My colleague has truly represented the people of Mississippi as ardently attached to the Union. I think he has not gone beyond the truth when he has placed Mississippi one of the first, if not the first of the States of the Union in attachment to it. But, sir, even that deep attachment and habitual reverence for the Union, common to us all—even that it may become necessary to try by the touchstone of reason. It is not impossible that they should unfurl the flag of disunion. It is not impossible that violations of the Constitution and of their rights should drive them to that dread extremity. I feel well assured that they will never reach it until it has been twice and three times justified. If, when thus fully warranted, they want a standard-bearer, I am at their command. This is part of my doctrine of allegiance to the people of Mississippi, and with this feeling my colleague will not be surprised to learn that I regretted to hear him suppose a case, contemplate a contingency, in which he would *scorn* to represent the people of Mississippi.

Mr. FOOTE. My colleague will allow me to say that I am in favor, if possible, of an equitable and honorable adjustment of all these questions; and under the existing circumstances of the hour, I embrace the opporunity of adjusting them on honorable and fair terms. If a proposal to dissolve the Union should be made, I for one could not sanction and sustain it; and if the State of Mississippi should, under present circumsances, assume such a position—which I believe to be impossible whoever might hold the banner I would not fight under it. Although I say this, I would not fight against my own State under any circumstances whatever. I have repeatedly said here, and I say again, that in case of any intolerable oppression, placing myself on the old Jackson ground, I would be as warm and active, and as ardent as my colleague in defence of the rights of my State; but it would be only in a case of *intolerable* oppression that I could think of resorting to a dissolutisn of the Union, and I do not think that any such case now exists.

Mr. DAVIS, of Mississippi. I will not say what my opinion may be when the bill is brought to its final stage. I have heretofore declined to discuss the main merits of the bill on a mere question of amendment, and I will not do so now. I do not concur in opinion with my colleague. I do not consider it to be an adjustment, or anything approaching it. I consider that nothing is proposed by this bill which can serve to adjust the machine of our Government; it will be only pressed further in the direction to which it was previously leaning. The tendency is all one way; the adjustment would require a policy the reverse of this bill, which contributes to the further depression of the weaker side, the South, and to the elevation of that which is already too high, the North. That is my view of it. But, sir, I have no purpose now or at any other time to announce upon what I am ready to go to the ultimate resort of disunion. I have not spoken of disunion to the Senate. No, sir; and whilst I hold a seat here, I shall make no such proposition. I shall never call on Mississippi to secede from the Union, but will remember that I am her representative on the floor of the Senate, and I shall ever leave it to her to judge how long she may require my services here; and when she may need them in a different field—

Mr. FOOTE. Will the Senator permit me for a moment?

Mr. DAVIS. Certainly.

Mr. FOOTE. I have not said that my colleague contemplated disunion at all. The leading democratic paper in our State, printed in my own county—of the editors of which I will not speak disrespectfully or unkindly, however unkindly I may have been treated by them—has recently published editorial articles, which have been re-published in the Charleston Mercury and our Southern papers of a certain ultra stamp, with glowing commendation—which articles, in my judgment, contain most decided disunion sentiments. I have deeply regretted to see this, and can only attribute such extraordinary indiscreiton to a strange and most profound delusion in regard to the true condition of affairs here at the present moment. It is in view of these facts that I deem it my duty to say to-day, and to say distinctly, that I for one am opposed to any such project of disunion as seems to have been concerted; and to say further, that the State of Mississippi will never, with my consent, take part in any such dark and dangerous conspiracy against the happiness and repose of this noble republic. Gentlemen who are induced to figure as disunionists, and who consider the adoption of this bill as justifying a resort to such extreme measures, must act out their own judgments and feelings; but I beg them to allow me, if they please, the humble privilege of observing my official oath, and endeavoring to perform my duty as a patriot.

Mr. DAVIS, of Mississippi. No doubt there have been articles of this kind in many newspapers and in many places. I have not read the article to which my colleague refers, or, if I had, I should not think it my duty to defend or reply to it. But it should not excite surprise if, from reading the articles in Northern papers, often very offensive to the South, and which are thrown upon them at this time with especial energy, the editor had given violent articles in retaliation. This is but to say that he is human, and influenced by passions liable to be excited. But I say again I am not here to prescribe the terms of secession. I am here to represent the people of Mississippi at the seat of the General Government. My duty is to sustain the Union and the Constitution, and whilst I am here that duty I will endeavor to perform. I have nothing to say about disunion. It is an alternative not to be anticipated—one to which I could only look forward as the last resort; but it is one, let me say which, under certain contingencies, I am willing to meet; and I will leave my constituents to judge when that contingency shall arrive. I have no suggestion to make to them; for I am not one of those who seek to control the public opinion which they pretend to represent. My purpose is honestly to follow out the wishes of my constituents, as far as they accord with the Constitution I have sworn to support. I have nothing more to say upon that point. What the will of that constituency is, it is well for me to know, but not necessary for me to announce. What the views of our constituents may be relative to the conduct of my colleague and myself on the bill now pending, I preferred to leave without the expression of my opinion. I regret, therefore, that my colleague should have found it necessary, under any circumstances, to allude to the preferences of our constituents; for I certainly should never had alluded to that in relation to him. Notwithstanding the democratic papers of the State—every one of them that I have seen—come to me with marked expressions of their disapprobation of the bill, I chose not to bring the matter before the Senate. Notwithstanding my whole correspondence is full of disapprobation of the measure, I chose not to bring it before the Senate. Notwithstanding my colleague on a former occasion introduced here resolutions of the Legislature of Mississippi most sternly disapproving the main feature of this bill—

Mr. FOOTE, (in his seat.) As a separate measure.

Mr. DAVIS. My colleague says so; then I must read the resolutions:

"*Resolutions of the Legislature of Mississippi, approved March* 6, 1850.

"*Resolved*, That the policy heretofore pursued by the Government of the United States, in regard to said territory, [reference was had to the territores acquired from Mexico,] in refusing to provide territorial government therefor, has been and is eminently calculated to promote, and is about to effect, indirectly, the cherished object of the abolitionists, which cannot be accomplished by direct legislation without a plain and palpable violation of the Constitution of the United States.

"*Resolved*, That the admission of California into the Union as a sovereign State, with its present Constitution, the result of the aforesaid false and unjust policy on the part of the Government of the United States, would be an act of fraud and oppression on the rights of the people of the slaveholding States; and it is the sense of this Legislature that our Senators and Representatives should, to the extent of their ability, resist it by all honorable and constitutional means."

So spoke the Legislature who are considered peculiarly the constituency of Senators.

Mr. FOOTE. Will my colleague allow me to explain?

Mr. DAVIS. Most certainly.

Mr. FOOTE. I will detain the Senate but a moment. My colleague speaks of his disregard of newspapers. Now, it is well known that I am quite as indifferent to newspaper denunciation as any other man, and that in my public course I have profited no more from the revilement of editors than from their commendation. Indeed, I was elected to the Senate with every newspaper in the State against me, or neutral, save one. But if it were a matter of any importance, I could particularize more than two-thirds of the Democratic press of Mississippi who have not taken any hostile stand in relation to me. Most of them are silent, while some are warmly and fully sustaining my course. Almost every Whig paper in the State, it is true, does sustain me upon this question, which I hold to be far above party. More or less warmly I acknowledge the gratification which I derive from this fact, and I conceive it to be not at all discreditable to me; nor will my colleague, who, at his first election, received Whig as well as Democratic votes in our Legislature. Inclined as I am rather to think that the newspapers of the country generally are not very satisfactory representatives of the public sentiment, yet I suppose that, on a question like this, Whig and Democratic papers may be considered as equally good authority, and to be equally relied upon as the exponents of the public opinion of any State. While I am not at war with any of them, and shall seek no controversy with them, still I shall exercise my own judgment freely and independently, holding myself responsible alone to the sovereign people of Mississippi, whose charitable appreciation of my acts I do not at all doubt.

Mr. DAVIS. I have no controversy with newspapers or about them.

Mr. FOOTE. A word, if my colleague pleases, in regard to the resolutions.

Mr. DAVIS. Oh, certainly.

Mr. FOOTE. These resolutions were adopted by the State of Mississippi while a proposition was pending to admit California as a separate measure, and before even the committee was formed who reported this plan of adjustment. And it was in the very spirit of those instructions, and with a view of carrying them out fully and faithfully, that I offered a motion to raise the Committee of Thirteen, with a view, in part, to preventing the separate admission of California, which, but for this same committee, would have been admitted, in my judgment, some time since. I am resolved, when I return to my own home, to explain my own course in connexion with these circumstances—to state my motives of action, and to establish by irrefutable proof the fidelity and discretion which have marked my conduct. And I shall be prepared to meet any opposition which may present itself on this question. My colleague, I know, puts a different interpretation on those resolutions of instruction. He conceives that they apply to a state of things not existing at the time of their adoption; that is his opinion. He speaks also of the letters he receives. Well, it is probable those letters are written to him by those who know his feelings on this subject, and his hostility to this plan, and have therefore written to him such letters as they judge will be pleasing to him. Now, I have quite as large a correspondence as any man now in Washington, I believe. I write quite as many letters as it is at all convenient for me to write, and I receive many more letters than I do write.

I receive many letters from Mississippi, having correspondents in almost every county; and I have not received more than four or five letters disapproving the plan of adjustment. This state of things only proves that his correspondents think differently from mine, and that the great question batween us, in regard to the state of popular sentiment, is only to be decided fairly when we shall both get home. Allow me to say that among my correspondents in the State of Mississippi is the president of the late Nashville Convention, the president also of the Convention of Mississippi held at Jackson, out of whose proceedings grew the Nashville Convention, and the chief justice of the high court of errors and appeals of the State of Mississippi. That distinguished gentleman has written me a letter, extracts from which I have published, declaring that he approves my whole course in connexion with the present measure, and that he does not doubt my being fully sustained in the State. I believe that nine-tenths of our constituents cordially approve this scheme of settlement. My colleague, I know, thinks otherwise, and it is quite a proper subject for an honest difference of opinion. We shall both ascertain the truth upon this head in good season.

Mr. DAVIS. I should be very sorry to lose my colleague; but I am ready to transfer this controversy between us to the very arena which he desires, without further remarks on the present occasion than seem to be necessary. I spoke first of democratic papers, because I was elected with known adherence to the principles of the party called democratic, and I did not close my remarks upon that point before I was asked to permit an explanation. I had intended to go on and say what I will say now—that the whig papers and whig politicians are divided, but that the democratic papers and politicians are very generally on one side in regard to this subject. As to the matter of correspondence, my colleague is an able and zealous man, bread to the law, speaks freely and fully, and the country knows his opinions. No man could write a letter to him without knowing what would suit him in relation to Mr. CLAY's bill. My own position is entirely the reverse. When the bill was introduced I chose not to speak upon it at any length, and I indicated, from time to time, that if the bill was amended in certain particulars it would receive my vote. And, sir, let me say, much as Southern men have been denounced for retarding the decision of this measure, that this bill has lived thus long by our courtesy. These Southern men thus censured saved this bill from the tomahawk of the Northern men when it was first introduced. It has lived thus long at onr mercy, and we deserve the thanks instead of the censure of its friends. At any time it was within our power to have consigned it to the tomb of the Senate's table.

And in what spirit has this been met? Amendments have been presented to us, and declared non-essential, and, as some have said, mere surplusage, but which we, the particular class of Southern men thus arraigned, believed to be important; and these, sir, have been voted down in face of the fact that your bill lived by our mercy. Now, sir, we have reached a stage in this proceeding when it is time that censure and denunciation here and elsewhere should cease; we have reached a state where, if I am to be pushed further, I am ready to give the vote which shall consign this bill to the table to-day. I have preferred a plan which should involve within its folds the creation of territorial governments; for I feared that, unless so included, those Territories would remain without governments. And this has been the only reason I have found for seeking to amend this bill, or delaying its final decapitation, if decapitation it is to receive. Is this, sir, the promptings of local prejudice?—is this a sectional consideration? What have we in Mississippi to be advantaged by the creation of territorial governments in Utah and New Mexico—territorial governments which do not recognize our right to migrate with our peculiar property—which do not annul the Mexican laws, but which as is asserted by the first men of the Senate, leave those local laws in full force over the Territory? I can have no motive save to provide for the people of those remote districts the protection of territorial governments.

But when with this measure is coupled a proposition to sever from Texas a large portion of the territory from which hereafter new slaveholding States are to be created, and to turn it over to the jurisdiction of this Congress, I say, sir, that we deserve especial consideration for the forbearance we have shown; for if this is to be the final form of the bill, far better for me is it, as a Southern man, to admit California in a separate bill, and save the whole of Texas for the future.

As I stated in the opening of my remarks, it was not my intention to have spoken at this time on the bill, and I have already extended my remarks, in consequence, perhaps, of interruptions, longer than I intended. I will not follow further the position of my colleague, because the matter will be transferred to another scene, where he and I can meet in the same kind feeling and good understanding, I trust, which we have here. Far be it from me, here or elsewhere, to seek to make my colleague a victim to what I believe to be his honest error. God knows how much I should have rejoiced to see him retrace his first steps on this question, and stand with me in what I am sure is the advocacy of the interests and will of Mississippi, and in conformity with the policy of the South, as it is now fully established. In relation to the particular amendment under debate, I will make a short statement, for I do not now propose to argue it.

Mr. HALE. It is now late, and I ask the Senator if he will give way to a motion to adjourn?

Mr. DAVIS assenting, the Senate adjourned.

Why Epidemics Rage at Night.

It was one night that 4000 perished in the plague of London of 1665. It was at night that the army of Sennacherib was destroyed. Both in England and on the continent a large proportion of cholera cases, in its several forms, have been observed to have occurred between one and two o'clock in the morning. The "danger of exposure to the night air" has been a theme of physicians from time immemorial; but it is remarkable that they have never yet called in the aid of chemistry to account for the fact.

It is at night that the stream of air nearest the ground must always be the most charged with the particles of animalized matter given out from the skin, and deleterious gases, such as carbonic acid gas, the product of respiration, and sulphuretted hydrogen, the product of the sewers. In the day, gases and vaporous substances of all kinds rise in the air by the rarefaction of heat; at night, when the rarefaction leaves them, they fall by an increase of gravity, if imperfectly mixed with the atmosphere, while the gases evolved during the night, instead of ascending, remain at nearly the same level. It is known that carbonic acid gas, at a low temperature, partakes so nearly of the nature of a fluid, that it may be poured out of one vessel into another; it rises at the temperature at which it is exhaled from the lungs, but its tendency is towards the floor, or the bed of the sleeper, in cold and unventilated rooms.

At Hamburg, the alarm of cholera at night, in some parts of the city was so great, that on some occasions many refused to go to bed, lest they should be attacked unawares in their sleep. Sitting up, they probably kept their stoves or open fires burning for the sake of warmth, and that warmth giving the expansion to any deleterious gases present, which would best promote their escape, and promote their dilution in the atmosphere, the means of safety were thus unconsciously assured. At Sierra Leone, the natives have a practice, in the sickly season, of keeping fires constantly burning in their huts at night, assigning that the fires keep away the evil spirits, to which, in their ignorance, they attribute fever and ague. Latterly, Europeans have begun to adopt the same practice, and those who have tried it, assert that they have entire immunity, from the tropical fevers to which they were formerly subject.

In the epidemics of the middle ages fires used to be lighted in the streets for the purification of the air; and in the plague of London, of 1665, fires in the streets were at one time kept burning incessantly, till extinguished by a violent storm of rain. Latterly, trains of gunpowder have been fired, and cannon discharged for the same object; but it is obvious that these measures, although sound in principle, must necessarily, *out of doors*, be on too small a scale, as measured against an ocean of atmospheric air, to produce any sensible effect. Within doors, however, the case is different. It is quite possible to heat a room to produce a rarefaction and consequent dilution of any malignant gases it may contain; and it is of course the air of the room, and that alone, at night, which comes into immediate contact with the lungs of a person sleeping.—*Westminster Review.*

A FASHIONABLE TURN-OUT A CENTURY AGO.—Among our Dutch progenitors fashion swayed no iron sceptre, and dress was made for substantial use. Wearing apparel was changed so seldom that one lady was quite familiar with the extent of another lady's wardrobe. They used to wear bright blue stockings, with large scarlet cloaks, high-heeled shoes, silver buckles, and short petticoats, exhibiting the grace of a handsomely turned ancle. When Miss Patty Cruger married Mr. Walton, of the Walton House, she wore green silk stockings, and blazing red cloak, and a week afterwards, it being cool weather, she wore fine green worsted stockings, with a gay cloak, on the top of which was worked a bunch of tulips; and this was a lady of fashion and fortune. Miss Livingston, who married Nicholas Bayard, about a century ago, when she went sleighing, or out in the cold on horse-back, always wore a black velvet mask with silver button or mouthpiece to keep it on. It is a remarkable fact, and worthy of the scrutiny of the learned, that while every tenth lady of the present age wears gold spectacles, none but very old women wore spectacles in the olden times; and those who did, wore them on the tip of the nose, without side supporters. Watches were a rarity. Sometimes they were made of silver, but more frequently of tortoise shell, in shagreen cases with a steel chain and hook to hang at the side of the apron string. Gold watches and gold chains were unknown.—*N. Y. Times.*

THE SOUTHERN PRESS.

CITY OF WASHINGTON.

WEDNESDAY, JULY 3, 1850.

☞ It is rumored here that a despatch was received last evening, announcing the march of Texan troops on Santa Fe.

It also rumored that a special Cabinet meeting on the subject has been held.

A governor of a Southern State, said to be Gen. Quitman has sent a telegraphic despatch to this city, that he is ready to march with ten thousand men to support Texas.

An Ominous Coalition. Senator Seward and the Organ of the Administration.

When but a few days since we took occasion to point out the Protean forms the principle of the Proviso had assumed, changing its name but not its nature as it presented itself under the *Wilmot*, the *Executive*, or the *California* shapes, we did not dream how speedily and thoroughly the two latter would be blended and consolidated in one harmonious whole, and be pressed upon the country by the joint efforts of the advocates of both. Yet, recent developments have proven that such is the line of policy now to be pursued, and the *Republic*, the special organ of the Administration, after coquetting round the California clique, "with coy reluctant amorous delay," sinks into the embraces of Senator Seward, who occupies to New Mexico the same tender relation that the "Pater Senatus" does to "Miss California"—asking no dowry with the dear creature, but the Proviso.

That this ominous coalition has been formed for all practical purposes, if not made and ratified in express verbal or written terms—that the *Republic* has taken its cue from that Senator's speeches—and now rushes headlong on the line of policy marked out by that skilful subterranean engineer—the recent editorials of that paper prove too plainly to need any exposition on our part. Let any one take the trouble to compare the leader in yesterday's *Republic* with the line of argument assumed by Mr. Seward in the Senate on Saturday last, and the coincidence of sentiment, and even of expression, must strike him as even more curious and instructive than any commented upon in the curiosities of literature—more strange and startling than any of the curiosities of politics yet presented to astonished eyes—for President Taylor and Senator Seward would make "strange bed-fellows" indeed!

As on the occasion referred to (which was some days precedent in point of time to the last editorial in the *Republic*,) Senator SEWARD condensed in a very short space, all that it has taken the *Republic* much time, many words, and several occasions to say—and said it more clearly too. We append his short speech of Saturday in which the platform is laid down—reserving our comments for a future and more favorable occasion.

In the Senate, on Saturday last,

On motion by Mr. CASS, the Senate took up for consideration the following resolution, submitted by him on the 27th ult:

Resolved, That the Committee on Military Affairs be instructed to enquire into the expediency of prohibiting by law any officer of the army from assuming or exercising, within the limits of the United States, any civil power or authority not conferred by an act of Congress, and of providing an adequate punishment for such offences.

In reply to some strong remarks of Gen. CASS, in relation to this New Mexican matter, Mr. SEWARD spoke as follows:

Mr. SEWARD. I have no objection to the passage of this resolution; but it strikes me, to say the least, as exceedingly strange in its scope, and object, and character. It relates to the conduct of a military officer. I believe that there are rules and articles of war by which every possible offence that can be committed by an officer of this character can be tried, and for which he can be punished. I believe, also, there is a power of impeachment which can reach offenders. At the same time it is to be borne in mind, that what is alleged to be an assumption on the part of the Governor of New Mexico, is not a novel transaction. The United States find themselves in a very extraordinary and peculiar situation in regard to the newly-acquired territories. Congress failed to make any provision for their government. Some government must exist there. There is a military government residing in the hands of the Executive, which has been exercised by a subordinate military officer in California, as in New Mexico. It was an inevitable consequence of the conquest of those territories by armed power; and its continuance until civil power shall be some way established, is equally inevitable. We have failed, and therefore it continues. I believe no one complained—no steps were taken to correct a supposed evil, when the Governor of California assumed the execution and discharge of civil duties. The assumption was regarded as a consequence, a necessary consequence, of the investment of military authority, or else there would be an interregnum not to be endured. It was maintained under a previous administration. It was maintained and acquiesced in with regard to California. The Governor of New Mexico has done just what was done by the Governor of California—no more, no less. And whilst I am perfectly willing that the subject shall go to the consideration of the committee, and that we shall have an opportunity to examine it on the report of that committee, I am not willing, for one, to imply by my silence, that I deem there has been anything in the conduct of the Governor of New Mexico deserving of censure.

At a subsequent stage of the same discussion, he thus laid down the remaining planks of his platform:

Mr. SEWARD. I am still at a loss to perceive the difference between the case of New Mexico and California. Congress, it is true, is now in session; but Congress had been in ssesion for two terms, for the whole