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SPEECH OF
Mr. BUTLER, of South Carolina,
On the Compromise Bill, delivered in the Senate on Tuesday, July 9.

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

Mr. BUTLER said: Mr. President, for many reasons I approach the discussion of this subject with very great reluctance. It has been discussed by the ablest minds of the Senate and the nation, and I can have no hope of imparting to it anything like the freshness of novelty. It is surrounded by great difficulty, and I have no hope that by anything I can say I can remove the difficulty. But, above all, sir, so far as I am concerned, it is associated with elements of strife which are by no means agreeable to my taste and disposition; and the very circumstances under which we are now deliberating are calculated to arrest the current of my feelings and to control the order and aim of my thoughts. But it is a duty which I owe to my own constituents to give my views upon the very greatest measure which has occurred during this session, certainly, or perhaps at any other time; a measure which may be regarded in some degree as the hinge on which the destinies of this republic may turn. We are, Mr. President, standing upon the threshold of an eventful and mighty future; and, important as the measures before us may appear to ourselves, I am inclined to think that they will have a much greater importance attached to them in the future history of the country. We do not see their consequences; but their consequences may be connected with the issues of life and death to a diseased and distracted republic of States.

Sir, the circumstances which surround us, and the events which have occurred within the last two or three years, have disclosed this fearful fact in the history of this Government, that it has been unable, from some cause or other, to discharge the trusts confided to and powers conferred upon it; for I think, sir, all will admit that it was the duty of this Government to have given territorial governments, or some form of government, to the territories acquired under the treaty of Guadalupe Hidalgo. I say it will be conceded by all that it was the duty of this Government to have given some form of government to these territories, both by the obligations incident to all governments, of taking charge of their own dominions and discharging the high trusts devolved on those governing. It has failed to do this, and we have been in distracted counsels, and have failed to fulfil the obligations of grave and important duties.

Mr. President, I would be glad to think that the debate in which we are engaged could result in any measure which could restore peace and confidence to the different sections of the country. Yes, sir, I should leave Washington with joy, if I could go to my constituents and tell them that a measure has been passed by the Congress of the United States upon which they could repose with safety and honor. Will this bill have such a result? I fear not. Sir, it is a measure that comes before the country under imposing auspices. It has the sanction of numbers and the authority of great names. It addresses itself to the loyal feelings of the people of this Union, and has the name of a compromise—a name that carries with it a fascination almost irresistible, but I fear, upon this occasion, entirely delusive. Indeed the past has no encouragement to me. I do not hesitate to say, so far as regards the history of compromises, that it has been one of disaster and peril, certainly to one portion of the Union, if not the whole. The Constitution of the United States never contemplated that its provisions should be supplied by compromises, that might be made upon the occasion to accommodate the views of a mere majority. That instrument was intended to guard something more than the rights of an interested majority; and if it was unable to perform the functions contemplated and designed by those who framed it, it carries within itself the means of amendment. But, sir, I fear that the Constitution will be left as a gem surrounded by the exerescenses of a mere compromise, by which it will lose all its original excellence. My own deliberate opinion is, that this Union is in danger of dissolution, by resting upon props that have no other support than crumbling compromises. Sir, if the occasions so often referred to had been met with the hardy determination which characterized our ancestors who framed the instrument under which we live, we would have been in a safer condition now than if we had yielded to the temptations of the times to avoid the dangers which they brought with them, and which belong to all free Governments.

I have said, sir, that this compromise comes forth under very high sanction—that of the distinguished gentleman whose name and fame are identified with compromises, and who has advocated this one with such great ability. He, sir, has performed a distinguished part in the history of this country, and may be regarded as one of the high priests officiating at the altar of the Union. He has looked to it as the ark of safety, and, in his estimation, it is, under all circumstances, an object of confidence and worship. I believe it is his sincere wish to preserve it from the dangers of contending factions. I have no desire to withhold from him the honors properly due to his high services and great exertions in originating and advocating any measure that would restore peace to a distracted country. I hope he may live many years to enjoy the honors and the effects of his high reputation, and that when the sun sets upon his eyes it may rise to bless a country made happy, great, and prosperous by his counsels. But, sir, I must do justice to myself by saying that I have no such belief that anything like that will be the result of the measure. It may be, Mr. President, that it is beyond the control of even the great compromising mind of that great statesman; for it is perfectly in vain for gentlemen to rise here and say that the issues and the dangers and the situation of the country have been over-estimated by those who have different views of them. It is not so, sir. I say, sir, that it is far from it; but if gentlemen upon this floor, both from the North and the South, were left free from the pressure of an opinion which is made upon these issues, they might be adjusted honorably and fairly, according to the provisions of the Constitution itself, and consistent with the safety and honor of every part of the Union. The justice of the Constitution might be evoked from its stifled existence, if we could re-kindle the spirit that once animated those who made it. But when shall we look for such an influence?

Mr. President, I put this question: Why is it that we have been engaged in the discussion of but a single subject for nearly eight months? Sir, it is because the issue which belongs to the crisis pervades deeply the organization of social and political society. That issue has not been made altogether by the events of the day, but I believe it has been placed beyond the power of constitutional adjustment by the lapse of time. Sir, we have failed to take advantage of passing opportunities, and we have neglected even the suggestions of fortune on this subject. Gentlemen, when they say that we must rely upon the quieting and ameliorating influences of time, do but aggravate the issue, and they sow the seeds of strife and agitation. Sir, the issue to which I have alluded is one of deep portent. And what is it? Why, sir, there are those who have openly contended and maintained, both by their speeches and deliberate votes, that they will never allow any other slave State to come into the Union. This class of politicians proclaim their determination not only to resist the extension of slavery, but to make war upon it by every available means which the legislation of Congress can afford—indeed, to use the legislation of a common Government to assault the interests of part of its makers. Others again have contended, and intend to maintain in all the forms they can, that none of the territory acquired from Mexico by the treaty of Guadalupe Hidalgo shall ever be appropriated, individually or collectively, to a slaveholding population. Sir, whilst, in one form or the other, they are willing to give different votes, they look as distinctly to that end as if, in the language of the Senator from Massachusetts, [Mr. DAVIS,] they maintained, in round terms, that it was a *sine qua non*, in any measure that should be proposed here, that slavery should be excluded, either by the operation of known natural causes, or by express statutory provision. I suppose they will, in different forms of proceeding, effect this one end, for they have the numerical strength to do so.

I will put another question? Why is it that all propositions of compromise have come from Southern quarters? For even this of the committee, according to the admission made by the honorable Senator from Massachusettss, comes from a majority of Southern gentlemen; and all compromises heretofore proposed have come from Southern gentlemen. Why is it? The answer to that question will be significant. It is easily given. It is, that the Northern gentlemen either find themselves under a pressure that they cannot resist, or they feel perfectly indifferent, on the ground that they can dictate their own terms, or have such as will be entirely agreeable to their views. They will take what they wish, and say we must take what we can get.

I put another question—and these are searching questions, which have very obvious but humiliating answers—I ask, why is it that we hear almost a monopoly of love of this Union attributed to the North, while some gentlemen are rather free in their imputations of a design on the part of the South, to dissolve it? Allegiance to the Union is claimed on one side, and alienation from it attributed to the other. Is it because the South has not given as much evidence of its love, and made as many sacrifices to preserve the Union and maintain it, as the North? The answer to that will be significant. Why, sir, the constitutional Union is one, if its spirit could be restored, for which we would perish to-morrow, and I would pledge my constituents; but any Union extra unconstitutional, made up by and for a majority, is a Union which, in its practical operation, would give protection and bestow bounties upon that majority. Why, to suppose that the North would be indifferent to such a Union, would be to suppose they would be indifferent to their own interests. The more the Union can be used for their purposes, the more they will have cause to love it. So long as it operates as a dispenser of favor and emolument, it will have the common allegiance of interest to sustain it. If the North had any inducement to arrest its partial operations, they have no temptation to oppose its progress, but many inducements to forward its present tendency. I would as soon expect a foolish farmer to destroy his milch cow, while feeding on other people's pasture, as that the North would do any thing wilfully to destroy the Union.

I put another question. Why is that all compromises heretofore have been proposed and submitted to by Southern men, without exception, and when they could not approve, to acquiesce? It is, and I say it solemnly, because the South are disposed to preserve the Union, even at the sacrifice of her own interest. It was because she wished to arrest agitation. And other sections have presumed on this sentiment. They have even sported with it, and are now experimenting on it. It is the experiment of temerity, but one that has been encouraged by previous success. It is the confidence of power, not its wisdom, that seems to rule the counsels of the many. There is a point of submission that Southern feeling cannot compromise with. I have said that all compromises, so far as I know, even the Missouri Compromise, was sustained by Southern gentlemen, and in doing so they literally were sowing the seeds of suicidal diseases. The country reposed with delusive confidence under this compromise until an occasion arose for another, and then its spirit and obligations were renounced and repudiated. It has served as a precedent to give power to Congress to make extra-constitutional arrangements to advance the stronger, and to be regarded as only obligatory on the weaker party. When new Territories were acquired, they were not subjected to the same rule or principle; and the South has been called on to make an unconditional surrender in the contest in which we find ourselves now involved. When that occasion occurred, calling for a compromise to adjust this very matter now under consideration, eight gentlemen were selected, and among them my distinguished colleague, Mr. Calhoun, whom I never saw on any occasion express such marked anxiety as at that time. He wished to obviate and avoid the issues which were involved, and to settle them in a spirit of honor, to settle them without a sacrifice of cardinal doctrines. He saw clearly what would come out of political agitation. I was, as others, called into consultation, and upon one occasion I thought we were yielding too much, and suggested we should take a determined stand. He thought we were considering matters that could not be carelessly handled, with a remark that the man was not born that could foresee the consequences of disunion; and at the same time he said, if the fearful issues were forced on us, they would have to be met, and that the South could have no reproach for results, and that duty could point to but one path. The committee brought in a measure called the Clayton Compromise, which was carried through the Senate, and submitted to in a spirit founded in a love for this Union.

Sir, it was unavailable to answer the ends contemplated. It was not adopted, and all the elements of sectional strife have been left to do their work of mischief. Had the measure passed, the Government would have retained its control over our territorial policy, instead of giving it up to blind chance. The measure may have been defective, and objections to it were made, but it looked to the honor of all, and may have been sufficient to protect the rights of all. Slaves may never have been carried to California, and if so, there could be no occasion for agitating the questions which have become more dangerous by discussion and the agravating influence of time. Still another compromise was proposed and submitted to by the Southern representatives. These are facts, and carry with them a conclusive refutation that the Southern people have aimed to dissolve the confederacy. They have resisted measures, and given warnings, and still they are taunted and reproached. Our past history contradicts these charges. If we could have our rights to-morrow, under the Constitution, and according to its provisions, we would acquiesce, perhaps be entirely satisfied. But they have been denied, and that denial has brought with it the perils of the crisis. If I were to say the faults is in one, others perhaps would say it was in another. I have referred to the past, to bring to view the true danger of our present condition. We are contending on a precipice—and let not blind confidence or insane indifference of a rash majority precipitate the parties into the abiss below.

We are now required, however, to determine whether we will submit to another compromise as we have submitted to them heretofore. This bill, containing in it three distinct measures, with a view to enable one or two to carry through the others; has been divised as a compromise to carry through these checkered and conflicting interests. It is not a compromise under the Constitution; but it is a compromise skillfully arranged to enable one measure to carry through another, and outside of the Constitution. But in this estimate it seems to be supposed that the South ought to be satisfied with its share of the benefits which may be conferred or recognized. It seems to be thought that the South is bound to be satisfied with, and is required to acquiesce in, the admission of California, and to give up a fairly asserted it is now almost certain that if a State is to come right of Texas to a part of her territory, to be converted into non-slaveholding territory, because in from that portion of Texas known as New Mexico, she will present her self with a constitution adapted to the feelings of the majority her.. Otherwise, I presume, it would be idle for them to come here. It might, or might not. I shall not make the assertion too broad. But depend upon it, no other slave State will come into this Union that is left under the operation of the policy known as the Executive policy, known as that which recognizes the right of self government in the people themselves—nor, in my opinion, will any come in under the policy recognized in this bill, or on the principle of readopting a state of things which originally they would not have recognized or instituted. I say it boldly, that no slave State will come in under any such policy; for, if it is left to the Executive scheme, or to the spontaneous sovereignty of the people, who will form their constitution in obedience to the actual views of the majority, it will always be formed to propitiate the power that can admit them. That is the only certain result. Gentlemen may be blind to it, if they choose not to see it, but it is as certain as that I am now speaking.

Before I approach the discussion of my objections to this bill,—and they are mainly applicable to the policy in relation to the formation of States as illustrated by California and New Mexico—I must state what line of policy it has been indicated will satisfy the North. I speak with reference to the remarks of the honorable Senator from Massachusetts the other day, (Mr. Davis.) I am not in the habit of making comparisons.—It is not in my nature to make such as will be mortifying to the pride of a freeman, or any people having sectional prejudices and reminiscences, and such as have local attachments and associations. But that Senator took occasion to lay down this broad proposition; that whilst he admitted that under the Mexican laws, slavery was excluded from the territories acquired from Mexico, and that such would be the decision of the federal court, whilst he admitted there were causes enough to exclude it from these territories, he said that he would be satisfied with none of these causes, certain as they were. He said there was a broad doctrine which was involved in it, and it was the duty of all who thought with him to carry it through, and inculcate it upon the statute book; and that was the doctrine established by the ordinance of 1787, or, in other words, the Wilmot Proviso, by which slavery should be excluded by actual legislation. He wished to confirm and enforce a principle of legislation. What was the reason he gave for this? He said the cotton population was an aggressive, restless, ambitious population, or that the great cotton interest, being strong, it was calculated to engender dangerous designs for its aggrandisement and extension. In illustration of these views he referred to the expedition against Cuba. He alluded with censure to other acts, and characterized them as lawless, violent, and acquisitive. He said that the only way to keep a population of that kind in order was to plant on their border a free population; whose moral character and social disposition were to ameliorate these qualities, I suppose, and would be a guard against this restless ambitious population, who were arrogating to themselves more honors and unjust gains than belonged to them. He used this language.

"Sir, what remedy have we for this, if annexation is to be continued by war and invasion? How shall we stay this restlessness, which leads to the adoption of unlawful means? How shall we stop this unjustifiable desire of acquisition by force? I say, sir, as I said here two years ago, that there is but one remedy, and that is to plant the frontier with a free population. That is the remedy, and there is no other which can be effectual, because it will put an end to acquisitions by force. Those acquisitions which come by voluntary compact, stand on quite a different footing."

Mr. President, as the senator thought proper to give the population among which I live, the appellation of a cotton population, perhaps he will allow me to say that we should regard it as somewhat strange if we should require a codfish aristocracy to keep us in order. [A laugh.] I suppose he would have codfish sentinels placed over the cotton gentry. [Laughter.]

Well, sir, it is said—though I am no great metaphysician—that there are but two great laws in the universe; love and war. Now, sir, it seems to me that this codfish population, sent to guard our morality, might be in danger from both of these laws. I will not say in how much danger they would stand from war on the part of this cotton gentry, for that might look like a bellicose threat, and would go to confirm her opinion of us. I will only say, it might be something like a dangerous experiment to undertake to force and control such a people in the way indicated. I say there might be some danger; I will not say how much. I hope I may refer to the danger of the other law. Obnoxious as slavery is, there is such a thing as Love's willing fetters; and, like others, this codfish gentry might have susceptible hearts as well as pliable consciences. Would they be entirely proof against the charms of a fair proprietress of wide cotton fields, cultivated by a few hundred slaves? I know there might be some conflict between the conquered heart and a yielding conscience, but I think there would be a compromise; unless the lady should give away the land and negroes, to make herself the more interesting, and then there could be no difficulty in the way of an alliance The tone of the gentleman's remarks was well calculated to mortify the pride and lacerate the sensibility of any people. To give that as a reason why this "cotton population" ought to be controlled, was something more than merely saying that slavery was an institution which ought not to be extended. But, sir, he went on further to say that the Presidents and other functionaries of this Government have, in an overwhelming proportion, been taken from this cotton population. Sir, I thought at the time that this statement was unfair. Our Presidents from Virginia were not cotton planters, nor were they selecteted under the influence of a cotton interest. They were men whom no climate could claim, and no interest appropriate. Their moral qualities and wise conduct were honorable commentaries on the institutions under which they were bred. And I will extend the same remark to a President from his own State. JOHN ADAMS had the soul of a man that would do honor to the institutions of any country——

Mr. DAVIS. Will the Senator from South Carolina allow me to interrupt him for a moment, so that I may correct him? The Senator is not using my language. I said expressly, the "cotton interest."

Mr. BUTLER. Well, then, the cotton interest. This was an interest which sprung up long after these Presidents were dead, and as one of many interests has only had its legitimate control.

Mr. President, it is my wish not to touch such topics with rudeness and intrusion on my part. I have noticed the remarks of others. I have not wished to make comparisons, because I think history would rebuke any man who would make comparisons between these great men. I have avoided doing so, for very obvious reasons, and yet it is one which has been frequently made. But, with regard to the territory, I think I have a right to speak in answer to the Senator from Massachusetts, for he says that Texas and Florida and Louisiana have all come into the Union, and been appropriated to the South and her institutions. I suppose that is true of Florida, and it may be of Texas, if she can retain her boundaries; but of the Louisiana territory it is not true. The history of the country will show that the non-slaveholding interest has had a preponderance in the appropriation of that territory. And how was it that the Northwest Territory became converted into Free-Soil settlements filled with a Free-Soil population? Is is not fair to ask that question? Was it through the agency of the votes procured in Congress by Northern influence? If it was, it was taken from the South. Or did the South make the grant of her own will and accord? Then the reproach made on her would come from ingratitude. I fear we have Gonerels and Regans, but no Cordelia; a houseless parent will have few to love and respect him. Now let us come to Louisiana. Is it not true that the whole of that was slave territory, and that it was surrendered under the Missouri Compromise and subjected to the dominion of the North? Sir, it seems to me that we have given way to the North and its institutions every time the demand has been made—they are willing to take all they can get, and then reproach us with their forbearance. To ourselves we have been untrue.

The remarks made by the Senator from Massachusetts have presented the angle of the subject in controversy—what he finds to approve in the bill, and his reasons therefor, I find, in most particulars, reasons to condemn. The gravamen of his argument is to admit California, and put the Wilmot Proviso in all the territorial governments, whether there is a real occasion for it or not; to have the double security that he should have the Wilmot Proviso established there, and a free population to maintain its provisions. Sir, when gentlemen go to that extreme, it certainly is necessary that the rest of us should look to our interests.—The Senator from Massachusetts and myself may perhaps vote alike upon this bill; but we shall certainly do so for very opposite reasons.

The questions thus present themselves through our different views. He is for admitting California into the Union as she presents herself, and for the reason that her constitution excludes slavery. I am against her admission, because she comes before us in a shape not to be recognized as entitled to the rights of a sovereign States within the Constitution, but in violation of its intendments and the practice under it. He is not willing to give a territorial government to Utah, unless it shall, in express terms, prohibit slavery; he conceding that slavery is already excluded by Mexican laws. I am in favor of giving to Utah the usual territorial government, leaving the people, when they can rightfully deliberate on their constitution, to form such a one as they may think proper. He is for admitting the inhabitants of New Mexico to come into the Union at once, under a claim of appropriating land claimed within the limits of Texas—and for the reason that their constitution will exclude slavery. I am for maintaining the rights of Texas, and resist her dismemberment under such unauthorized legislation; but am willing to give New Mexico an ordinary territorial government, with the avowal that I will not consent to give up slave territory to be converted into free territory, for the purpose of making a State to keep a cotton population in order. These are the positions of the Senator and myself, as far as we may thus become the exponents of the different sides of the issue in which we find ourselves involved. In the course of my remarks, I propose to state my views on these points, and shall pass to them presently.

I proceed to the bill, it has many objectionable features. I object to it, because of the attitude of California, and her claim, and the assertion of right on the part of some, that she should come into this Union under an adoption of all her irregularity, and which, as it appears to me, is founded on a state of things which are unparalleled in the history of this country. And I lay down the proposition broadly, so far as I have been authorized to make it from my previous examination, that no State has ever been admitted into this Union that has not undergone a transition from a territorial to a State government: not one. There is no instance in the history of this Confederacy of a State coming into this Union that has not gone through the process or passed by the transition from a territorial to a State Government.

A SENATOR. Yes, Texas.

Mr. BUTLER. I mean under the Constitution, and out of territory belonging to the United States; for I regard Texas as having been admitted as a foreign State, under the treaty-making power—as a community that had a separate existence, and could assume lawfully an adversary relation—as a political community over which we had no previous dominion. Under the war power the government may effect ends not contemplated by the Constitution. The treaty-making power may have brought within its scope that which was not intended by the Constitution; but if you resort to a war I know of no limitation; it is illimitable in its means; and I think the treaty-making power may perhaps be subject to the same remark.

But I go further in connexion with this subject. There are but two States in the Union that have ever come into it except by the previous permission of Congress that they should call a convention and form a State constitution, and these are Michigan and Arkansas, for, as it regards Kentucky, Tennessee, Vermont, and others, they did not come in by an independent assertion of right, but by the previous consent of the States of which they had formed a part, and by the consent of Congress recognising such arrangement and partition. They derived their authority to become States from the *consent* of other States, with the exceptions referred to, so far as I have examined the subject, and came into the Union by the previous permission of Congress to form State constitutions. And when California comes here to be the first to be admitted into the Union without either of these pre-requisites, it is time that we should inquire into the policy which has heretofore influenced us, and also into the policy which might necessarily flow from it. Sir, I have no feeling against California.

It is not that I love California the less, but that I love the Constitution and the country more. It is through her that new and dangerous elements of policy are to be introduced, in the *making*, moulding, and admitting States into the Union.—Her situation now and her relations hereafter will make a striking and momentuous chapter in the history of the country. It is not that I oppose her admission because I attach moral blame to California. I will go to that extent. I will not go so far as to say that California was not authorized to form some code of laws for her government. At the distance they were from this Government, and being neglected by the parent Government, it would have been unnatural to withdraw from them the right of self-government, so far as to prevent their making such laws as were necessary for their safety and convenient organization. They were reduced to the necessity of revolution, or to make such laws as would protect them till the United States could do for them. But the doctrine maintained here, that the people of California had a right to assemble in convention a form a constitution, and invest themselves with the attributes of State sovereignty, is a doctrine which may lead to consequences far beyond the present exigency, and confer rights which we cannot control, such as have been indicated by my friend from Louisiana. For, if they have the right to make a *State* constitution, they can claim through that, and not through your grants or reservations. Once recognise their existence as a State, and they may deny all the conditions which you have annexed without their previous consent. Have any number of inhabitants a right to go and settle on the public lands, and shape out for themselves their empire, and make to themselves an empire by their own volition and spontaneous assertions of sovereignty? Has a State—Texas for example—a right to go beyond her own territory and appropriate territory which does not belong to her? It is admitted a State cannot do this; it cannot extend its jurisdiction over territory not within its own limits, and such as were assigned to her.

Suppose a Territory should do this. Suppose Minnesota should go over the river and appropriate more territory than had been assigned to her, and that the people should meet in convention and solemnly declare that this extension was neccessary, is there any one who would hesitate to deny her right to it? But it is said a State could not do it, nor a Territory, but that inhabitants left without any government at all may have higher powers than either. What would be the consequence? Why, people, under such circumstances, wishing to form a State, and not having a sufficient population within a certain limit, might extend their boundaries so as to embrace sufficient population. Take California: within a certain limit her population would be too small to form a State, but, by extending her limits, she may embrace numbers enough, so that she might claim to be made a State. What limit or restraint would there be upon a people coming into the Union in this way, without the authority of the individual or political owners of the land? Yet this is one of the modes by which California has assumed a position which, by some, is deemed a rightful position. Upper California, through a self-made majority, regulated boundaries and marks. But there is another position—that, whilst Congress may give a Territorial Government, it is nevertheless in some measure the interest and policy of the Government itself to hold their power in abeyance till Territories can assume a position which may be respected, and allowed to invest themselves with State sovereignty. If this doctrine is to prevail, it follows that the moulding and regulating power which was given to Congress is to be exercised by the Executive or by subordinate officers. States are to be moulded, institutions to be established, and political communities to assume positions which they could not have obtained, if not left under these unconstitutional and irresponsible influences. In this way lieutenants use their uniform to invest themselves with Senatorial robes, &c. This may be called the suggestive mode of making States under military proclamation.

Now, as to the mode contemplated in the bill under consideration. What is it? Why, the advocates of the bill say that it is the duty of Congress to give a territorial government, but, as it was not done, the inhabitants have the right to form a constitution, and come in without license or the authority of Congress, having been previously given, and that all these irregularities are to be waived, and the policy of circumstances is to be adopted, and constitutional duty and precedent are to be superceded, and chance and opportunity are to take their place.

My views of constitutional duty will not allow me to indulge in this doctrine of expediency—an expediency, I fear, that has been suggested by many temptations. Congress cannot make a State, but it is its duty to discharge the trust of an impartial guardian, and to institute such proceedings as to enable citizens to organize themselves into a State, when Congress may think proper to devolve upon them the right of providing a constitution. After such leave has been given, and not before, a people of a territory have the faculty of becoming a State under a constitution to be formed exclusively by themselves, subject to the rightful reservation of Congress. My opinion is, that when Congress has given this leave it will operate as an irrevocable deed. We are devolving an important trust, of which Congress cannot divest itself, and it should look to such a thing as would make the admission of such a State into the Union consistent with the interest of the other States, and the rights of other Territories. This thing of allowing a people to form a State when they please and where they please, is a usurpation of rightful jurisdiction, of a superintending and fiduciary representation. It was not given by those who framed the Constitution, and ought not to be recognised by those who profess to act under it. Confusion and injustice must follow and derange our whole system. But while I cannot under any circumstances allow a State thus to form a constitution without the previous assent of Congress, I know there are two instances to the contrary; those of Michigan and Arkansas, and they are the only two. I will answer for this proposition to any one who will go through with all the precedents. There are but two, and they are precedents of evil, not to be followed; and even in those cases we had the security resulting from appointing the officers, and from defining the boundaries, and all the securities of a rngular organized Government.—They had been governed and regulated by Congress.

The case of Californra is reflected from another mirror, and that is New Mexico. I hear gentlemen declaim bitterly against New Mexico, while at the same time they are very willing to wave all objections against California. But I will answer for it, they were brought to their present attitude by precisely the same influences.

The birth of an individual is an event of interest and concern to society—but the existence of a political community like a State, is a matter of grave concern to other communities; and one of historical magnitude. As it effects the property and security of other States, they cannot be indifferent to the consequences of such a measure. New Mexico, in her claim to become a State without leave or license, is following in the wake of a more imposing predecessor, and may well claim to take refuge in her precedent. All that they have to do is to propitate the same feelings and interests which encouraged and sustained California; and they are about to do this, not only in defiance of Congress, but in violation of the rights of another State. New Mexico can then come with a perfect claim, and will come with a perfect claim if the other precedent is acted upon. And what are we required to do? We are required to permit these two States to come in with just institutions as they may form, and with such boundaries as they may assume, and there can be very little doubt of what character they will be in one respect. What then do we get by this compromise? California is to be extended from Oregon to Mexico, and these limits are to be preserved because slavery has been excluded from them by the constitution tendered to Congress. Gentlemen say we will not yield an inch of this for Southern settlement. It has already been appropriated under Northern institutions. On the contrary, they are willing to take from Texas as much slave territory as they can get, with a view of converting it into non-slave-holding territory, and with a view of keeping her slave-holding neighbors in good order. They say California can do without a guardian, but that New Mexico must have a helping hand. Texas is thus required to curtail her limits, while it is held as the duty of Congress to maintain inviolate the present proposed limits of California. Now, that was not the opinion of some gentlemen whose notions were so peculiar when that subject was first agitated. The progress of events, however, has made wonderous changes in their minds. I say, therefore, *in limine*, that I cannot consent to this dangerous policy of allowing others to make States extra constitutionally, and against precedents, and in violation of the securities which that instrument should afford to every part of the Union. I will not say one part more than another.

But, Mr. President, it is said by some gentlemen that these measures ought to be received with favor, because, in their peculiar operation, they restrain the extension of slavery and ameliorate its horrors. I believe that both of these propositions are erroneous; and, paradoxical as it may appear, I believe that every foot of territory acquired by the South, that may be cultivated by slave labor, is not only drawing the slave population from the old slave States, but, so far as taking it off from the old slave States, goes to operate upon public opinion, it has had the effect of enfeebling public opinion on that subject. If I wished to aim a blow at the political feature of slavery, it would be to encourage the emigration of the slave population from the old States to the new. The very diffusion of these persons is rather an improvement of their condition; there is no doubt of it; and if such should be the purpose of gentlemen, (though I know very well it is not,) that those who are slaves now should ultimately become free by voluntary manumission, that would be precisely, and above all others, the mode in which I would indicate its accomplishment. Sir, if the owners of slave property had the facilities of Californa and New Mexico, there might be some temptation to a master to give them their freedom, because they could live in these climates without the danger of their ultimate destruction. A few out of every thousand might be fit to have the franchises and rights of a freeman, and to such the climate and mixed population of Mexico might afford a place of settlement. And as it regards the African race, about which so much has been said, I cannot believe that God has allowed the institution of slavery over a portion of them to exist so long without some especial purpose. There are not three millions of Africans upon earth equal in condition with the slave population of the United States. There are scarcely three millions of laborers of any kind equal in their condition—certainly not better; and at this time, when the slave population were never in a better condition, we find professed philanthropists introducing into legislation a degree of sentimentality unknown to the hardy virtues of our ancestors. They dealt with this question as practical statesmen, and not as fanciful theorists or morbid philanthropists.

Yes, sir, while their condition is better than ever it has been known to be heretofore, and while they are passing from one condition to another to subserve the great ends of the institution, so far as I can judge what these ends are, at this very time we find sentimentalists and crafty politicians introducing their systems, which can have no better effect than to put into jeopardy the safety of our government. This, sir, may be the law of progress. Every nation has had its laws of progress; every nation has had its day of youth, and of manhood, and of refinement and luxury, and of degeneracy and decay. If you take the Roman Republic you will find that in the history of that people the hardy virtues were practised in their early day, and that it was not until they became enervated by luxury and sentimentality that they evinced signs of decay. Juvenal wrote to rebuke this difference between the professions of magistrates and the practices of the people. The star which saw Scipio's legions marching on to victory, found the youth then strangers to their couches. Sir, we often find that it is peculiar to some minds, which do not practice virtue very much, to be constant in their recommendations of it to others; it is the tribute which hypocrisy pays to virtue. Sir, there are some on this floor who say that they are above the Constitution. I do not know far they are above it, or how much better they are than those who made it. Men who dare contrasts most frequently, deserve to fall in the shade of them. Those who make so many professions of conscience, generally have the shortest performances under them. There are those who are continually looking into other people's concerns, and making comparisons and parallels for no practical purpose. We yesterday heard a parallel drawn by the Senator from Connecticut, between the States of New York and Virginia, with a view of illustrating the unfavorable effects of the institution of slavery. I thought such a comparison was very unnecessary, and that any one might have said to that Senator that, if Virginia had occasion to be proud of any thing, it was of her institutions—not only as they had exhibited their influence in her own borders, but wherever her sons had gone. Sir, if her fields are washed *into gullies*, let it be remembered that the crops which have grown upon them have raised statesmen and heroes. She may not boast of crowded villages and densely settled farms, but wherever they have been settled, they have been settled to good purpose; and though they cannot boast of the particular kind of prosperity which may have marked some of the Northern States, whenever she was disposed to exhibit her wealth, like Cornelia, when asked to show her jewels, she could point to her children.

Sir, I wish to make no comparisons, but, if they are made, gentlemen will find that there have been more men of talent and virtue in this Senate from the State of Virginia than from any other State of the Union. She has not many crowded villages; she has not been subject to their vices and peculiar influence; but, to whatever view of Virginia you look, you will find her great, not only within her own borders, with improving prospects, but you will find that she has settled Alabama and Missouri, and much of North and South Carolina and Arkansas and Mississippi. And, sir, her population, thus poured out upon those States, form an existence somewhat like her own, not seeking dense settlement; and that must be the case with all slave populations. Why, then, may not the institutions of a slave population be as good in their influences, and produce as good citizens and as great men, as any other?

It has been often spoken of as a complaint that too many of the honors of the Government have fallen within the cotton interest. I have asked myself the question, why is it so? It certainly is not because our institutions have produced bad fruits that they are to be condemned. Why is it so? Let others answer the question. But, whilst a crusade is preached against our institutions, I think it is but fair that we should make a practical exposition of the results, and show that there they are, not to be contradicted. With the minority, we have had the honors, they say, while they had the controlling influence of numbers in the Legislature. Let those who boast of the superiority of a free population make the comparison when they choose; I shall not. I have not the bad taste to attempt it. But there it is in the history, to be read, though I shall call no names. But when these comparisons are flaunted in my face, with a view to reproach the cotton interest, and with a view to exterminate the population growing and subsisting on that interest, for the sake of substituting that which gives no better result on the republic, I must be permitted to maintain my feeling of respect for the institutions with which I am identified. The feelings I have referred to engendered this agitation.

Now, this measure of compromise will not have the effect of lessening this agitation, but I think will rather increase it. I object to it, because we make a sacrifice of principle, constitutional principle, and we sacrifice an actual interest in giving up a part of Texas. And for what? For the sake of being exempt from the influence of the Wilmot Proviso upon Utah. Let me say, with respect to these rare people in Utah, that if there be any people who have won the right of self-government, it is the Mormons, even with all the prejudices that may have been started up against them. So far as I can understand their political and social organization, it is remarkable for its controlling accountability and responsibility. These people could do without any government at all from us. What is the reason we have not heard such clamors here to admit Utah as a State? She has a larger number of inhabitants than New Mexico, and, for aught I know, has as large a number of resident citizens as California, but not perhaps, as many sojourning inhabitanis. But we have heard no one maintain that there is any necessity to admit her. I think the reason is that Utah has formed her constitution on principles which do not exclude slavery. Though that is a consideration which would not influence me. But I would not allow her to come into the Union through such a breach in the Constitution as that by which it is proposed to admit California. I would not allow any State to come in except through the old gate, and in the old form. If I were asked what course would have satisfied me, I would answer, it would be that these territories should have been subjected to the consideration of the Territorial Committee, and should have been divided out into such limits as other territories, and that territorial governments should have been instituted for them, and they should have been carried through the process that other territories have passed through, till they applied to Congress for the right to hold a convention to form a State government. If it is said they would come in as free, be it so.

Every agency has been resorted to to mould these governments, and to give them a non-slaveholding complexion. It may be that, by subjecting them to the constitutional forms now, we cannot change the direction which has been imparted to them.—What would have been the situation of the Territories acquired from Mexico had they been dealt by according to precedent, usuage, and constitutional requirement, must remain a matter of conjecture. My own opinion is, they would have preferred mere Territorrial Governments, and would now have been more contented and progressing to the rightful and safe condition of States. They would certainly have been under officers deriving their jurisdiction from this Government. And it is but reasonable to suppose that such officers would have been selected from different parts of the Union; unless, indeed, the doctrine shall be practically carried out, that no slaveholder shall be eligible to any office under the Federal Government, in its relation to the Territories. They have been told that they shall have no right of settlement on such Territories, unless they will submit to the degrading proposition to give up this species of property, and to submit to the doctrine that they are not equals in the Confederacy. How far this doctrine may go depends on a controlling majority. If Territorial Governments had beenformed, and administered not by sectional officers, or such as would be under a species of duress to present constitutions to propitiate this majority, the situation of California might have been different. Slaves might have been introduced. They have been excluded, and that, too, by influences alien to the Constitution, and in violation of all the securities that a minority could have had under it.

The question now is, what can we do under the actual circumstances that surround us?

Here Mr. BUTLER gave way for a motion to adjourn, and the death of the President prevented any further business until the ensuing Monday.

MONDAY, July 15, 1850.

The Compromise Bill being under consideration—

Mr. BUTLER resumed and concluded his remarks. Mr. President, the sad event which caused the suspension of the remarks I was making on Tuesday last has given them a melancholy connexion with it, which I deeply regret. How far that event may have any influence on the measure under consideration, I cannot say. I know that it must influence, and to a great extent, the scope and aim of the remarks which I should have made, as well as causing me, personally, painful embarrassment. I will endeavor, however, to conclude what I propose to add, in as limited a time as practicable.

Sir, I was urging my objections to this specific bill, or to some particular portions of it. First, I said that I could not go for the bill, because it proposed to admit California with her present limits, and under circumstances that I would be obliged to regard as unconstitutional and without precedent; and, indeed, if we were to admit her under these circumstances we would establish a very dangerous precedent. I was opposed to another provision of the bill, in this: that I could not consent, that Territory should be taken from Texas with the avowed purpose of being converted into a State to be called New Mexico, with the certainty before me that that State is to be the first upon the western border of the United States as a non-slaveholding State, and thereby to affect the safety of the neighboring slaveholding population, and to afford a new outlet to fugitive slaves.

Well, sir, so far as it regards the other essential provision of the bill—that Utah shall have an ordinary Territorial Government—whilst I was in favor of it, I did not regard it as a very high boon, or as of very essential importance to any section of the Union, because the forbearance to insert the Wilmot Proviso is founded upon the solemn avowal that it is unnecessary to engraft it upon a Territorial bill of this kind, inasmuch as there is a prior existing law altogether the same in its operation, and not requiring any thing in addition to give it validity. So that, if any thing was intended by way of concession to what is known or regarded as the Southern interest in this Confederacy, it is a concession made upon the ground that there are laws already in existence such as will not be strengthened in their legal effect by a cumulative provision, such as the proviso would be; allowing the inference to be drawn that without such pre-existing laws some such proviso, excluding slavery, would have been insisted on as proper and expedient.

Well, sir, according to the analysis of the argument, we are left thus: Shall California come into the Union with her present limits and under the constitution she has formed? Shall New Mexico be erected by the provision of this bill into a Territory, with a certainty that it is to become a non-slaveholding State? I had thus urged my objections to the bill, and I was then about to do, what the distinguished Senator from Kentucky (Mr. Clay) very fairly suggested, that it was the duty of the opponents of the bill to do, to state what would, in my estimation, satisfy, so far as I can speak for them, the constituents whom in part I represent.

Well, sir, the predicate of all that I was able to say I would regard as a satisfactory adjustment, necessarily involved the proposition that California should be remanded either to a territorial condition, and be placed under a government emanating from Congress, or that she should go back with such modifications in her future position as would conform with usage and the Constitution of the United States. The reason, I say, that that is the predicate of all that I intend to urge is this: I maintain, from the views and considerations which I have given this subject, if California be allowed to occupy her present attitude, and she comes into the Union with no previous reservation on the part of Congress, but with the recognition *nunc pro tunc* of all that she has done, it necessarily follows that all the reservations, conditions, and limitations that the Congress of the United States think proper to propose may or may not be adopted by her; that is, if we regard her as having the pre-existing rights of a State. I will say, Congress, having the rightful jurisdiction over that, had the power to dispose of it, if it might have thought proper. It could have disposposed of it to a foreign Government, or it could have disposed of it to the people of the territory, under a leave that they should form themselves into a State; and in either point of view, the transfer would carry with it all rights and franchises not reserved, both proprietary and political. If we were to transfer by deed or treaty, or any other solemn mode recognised by nations, any of the territory we possess to another nation, it certainly would give with the soil all the jurisdiction we possess over it, and all the interest we had in it, if the surrender should be unconditional. And, sir, can it possibly make any difference that we do not give it to a foreign power, having a right to take it, but to our own people, who shall form a State? When we give leave to form a State, we give under it all our jurisdiction and proprietary interest, subject like any other only to the constituional rights of the Federal Government.

We may transfer all, or reserve something, as a mere proprietor. By reservations we may retain ownership, which would depend upon the act of cession, and therefore the remark of the Senator from Louisiana (Mr. SOULE) seems to be well founded, in this: that if in conferring a power to make a State, or recognizing the right of any people to form themselves into a State, there is no previous reservation of property, we confer by our fiat that which would operate as a perfect ransfer of our proprietary interest in the public domain of California. The grant of power to make a State, what is it? Is it one that can be resumed by this Government after it is once made? A people of a Territory having once had the faculty of making a State Government, take on one condition alone, in a political point of view; that is, the constitution shall be republican in its form. They may agree to exercise this faculty under such terms as they had previously asserted. The question is, can terms be superadded after the power has been carried into execution, on the claim that the Government continued a proprietor? I have made a suggestion of my impression.

Now, sir, what I propose, and what I think I would be satisfied with, is, that California shall be curtailed in her limits to 36° 30′. I take that because it has been rather recognized by the popular voice and approbation than otherwise. I regard it, therefore, as indispensable for the plan which I would adopt that California should curtail her limits, or rather that we should curtail them for her, to 36° 30′ as her southern boundary; the boundary already indicated to continue for her eastern boundary, or wherever *she claims her eastern boundary to be*, and Oregon to be her northern boundary. Well, sir, I would go thus far by way of intimating the plan that I would insist on, that California, or that portion of California whose limits were indicated and defined, shall have the right, under Executive proclamation, of forming such a constitution as would entitle them *eo instanti* to come into this Union upon an equality with the other States of the Union. I think, sir, this is going very far. I am willing to waive all the irregularities, and to admit her with these conditions, on the understanding that she shall only claim such rights with regard to the number of her representatives as other States enjoy—within these curtailed limits to recognize a right in the people to form a constitutional State; for I think no such State has yet been formed.

Mr. CLAY. Will the senator give way for a single inquiry only?

Mr. BUTLER. Certainly.

Mr. CLAY. I heard with great pleasure and satisfaction the senator's declaration, or statement of what would be satisfactory to himself upon this subject, but I want to make a single inquiry, for when I happen to come, if I should ever happen to arrive at that period, to a sort of *resume* of this argument, I desire to know exactly what the senator wishes. I should like to know whether, in calling for the line of 36° 30′ to be run through California, the senator also requires that there should be an express recognition of the right to carry slave south of that line?

Mr. BUTLER. The senator shall hear me very fully upon that point. The senator speaks of the difficulty of approaching the vote upon this bill; in that I fully sympathize with him, and would willingly forbear any remarks of mine which I may offer, if the vote could be taken at once on the passage of the bill, or on a motion to lay it on the table. It is not my wish to protract the debate, or to throw any impediment in the way of coming to a vote.

Having in some measure indicated, as far as I could in this cursory manner, what should be the