the Honorable Senator from Virginia has fallen. I have stated that it was my intention to confine my observations to the three measures under consideration. The admission of California as a State, Territorial Governments for the two Territories, and the establishment of the boundary between Texas and New-Mexico.

It is a most remarkable circumstance connected with the debate upon and the progress of this measure, that that feature of the bill supposed to be least likely to encounter objection—that measure, which it has been asserted would draw after it by the force of its own attraction, the other measures contemplated in the bill; it is truly remarkable that the measure of the admission of California has encountered the most of the difficulties which have been developed in the progress of the bill.

The Senator from Louisiana, (Mr. Soulé,) the Senator from Georgia, (Mr. Berrien,) and yourself, sir, (Mr. King,) have all directed your attention mainly to the subject of the boundaries of California, and to the representation proposed for California by the measure under consideration. I believe that with very slight, if any further modifications, all three of the Senators to whom I have alluded, would have been willing, if they could have been satisfied with regard to California, to vote for the whole measure. But it is California which we have been charged with introducing into the bill, for the purpose of purchasing support for other measures; it is California that has created all the difficulties—at least, the chief part of the difficulties—which the bill has encountered.

Now, Mr. President, what may be the ultimate vote which may be given in consequence of the mode in which California is bounded, by the three Senators to whom I have referred, depends upon their own judgment and upon their own proper sense of duty.—I must say to them, and I hope they will take it in the same kind and candid spirit in which it is mentioned—that I cannot see the slightest reason why they should reject the whole measure because there is something in it dissatisfactory to them in respect to California. They know that if this measure is defeated, the Chairman of the Committee on Territories (Mr. Douglas) will call up the California bill separately and alone, and that it will be passed as it is, with all its exceptionable features of extended limits and full representation in both Houses, by a considerable majority. Will they, then, on account of the California part of the bill—the passage of which when presented singly may be regarded as inevitable—will they on account of any difficulties not amounting to constitutional difficulties (for, I admit, if gentlemen have, on a deliberate review of their opinions, difficulties of a constitutional nature, nothing could or should overcome them,) will they be constrained, from the necessity resulting from entertaining those opinions, to vote against the entire measure? But as I happen to hold directly the opposite opinions, that there is nothing constitutional in any of the objections taken to the admission of California, and as I trust those Senators will themselves perceive that there is no constitutional ground of objection—that it is altogether a matter of expediency, addressing itself to the sound discretion and deliberate judgment of Congress—I do hope and trust that on account of the objections that exist to the admission of California, when they perceive that it is a part of a great system of reconciliation and harmony to the country, they will not be disposed to reject the benefits and compensations to be found in other parts of the bill; because they know full well that California, just as she is, has presented herself with the representation proposed by the bill, and will be inevitably admitted, provided this bill is defeated. They must also well know that the admission of California alone, without any measure accompanying it, will have the unavoidable tendency of aggravating the sense of wrong and injury, well or ill founded, that exists in the quarter of the Union from which the Senators to whom I referred come. With respect to the State and Territorial Governments, it is also a fact worthy of remark, that scarcely a Senator who has risen upon this floor has failed to acknowledge the duty of Congress to provide Territorial Governments. Almost every Senator who has spoken on the subject has admitted that Territorial Governments ought to be provided, some wishing for the Wilmot Proviso, and some objecting to the Proviso, but with or without the Wilmot Proviso I have not heard a single Senator say that it was not the bounden duty of Congress to institute Territorial Governments for those Territories.

With regard to another plan of disposing of the question—the plan which, upon a former occasion, I characterized as the Executive plan—of the late President of the United States, I shall have a few observations to make. Allow me to take this occasion, the only suitable one in my opinion, to express my deep regret and my profound sympathy with the family of the deceased. I had known him perhaps longer than any other man in Washington. I knew his father before him—a most estimable and distinguished citizen of Kentucky.—I knew the late President of the United States from the time he entered the army until his death, although not seeing him often, in consequence of our operations in different spheres of public duty in our country. He was an honest man. He was a brave man. He had covered his own head with laurels, and had added fame and renown to his country. Without expressing any opinion upon what might have been the just appreciation of his administration of the domestic and civil affairs of the country if Providence had permitted him to serve out his term, I take pleasure in the opportunity of saying, in reference to the foreign affairs of the country, that in all the instances in which any knowledge has been obtained by me of the mode in which they have been conducted by the late Administration, they have met with my hearty and cordial concurrence. During the residue of the remarks which I shall address to you, if I shall have occasion to say anything upon the plan proposed by the late President, it will be with the most perfect respect for his memory; without a single feeling of unkindness abiding in my breast. Peace be to his ashes, and may he be at this moment enjoying, in another and a better world, that happiness which we are all desirous, sooner or later, to attain.

But, with respect to the difficulty in regard to New-Mexico. The plan was, that New-Mexico should come in as a State as soon as she had formed herself into a State, adopted her Constitution, and presented it here. Now, Mr. President, the Senator from New-Jersey, who sits near me, (Mr. Dayton,) argued in this way: "You of the Committee have given to the people of New-Mexico the power of legislation, the power to elect their legislators, the power to pass such laws as may be best adapted to their condition; and what is the difference between granting to them the power with which they are so invested, and receiving New-Mexico as a member of the Union represented by members in Congress?" Why, Mr. President, there is all the difference in the world.—There is scarcely any people so low in the scale of civilization—even the Esquimaux or the Indians on any portion of our Continent—that they may not comprehend and be able to adopt laws suited to their own condition—few, simple, clear, and well understood; for, in their uncivilized state, it is not necessary for them to have a cumbrous code of laws. But it is a wholly different question whether the people of New-Mexico may not be capable of passing laws adapted to their unripe and half civilized condition—I speak not of the American portion of the population, but of the Indians—the Pueblo Indians—and some of the half breeds—it is a very different thing whether they may not be capable of enacting laws suited to their own condition, or whether they should have two Senators on this floor, and members in the other House, to survey the vast and complicated interests of this great Republic, foreign and domestic—to legislate not for themselves only, but for us and our present generation.

For one, I must say that I should be utterly unwilling to receive New-Mexico as a State in her present immature condition. A census will be shortly taken, and we shall then know the exact condition of her population. If I am not greatly deceived in my information, it will turn out that there are not perhaps one thousand American citizens within the limits of New-Mexico, and perhaps not above eight or ten thousand Mexicans and mixed breeds, exclusive of Pueblo and other Indians, and they are certainly not in a condition to comprehend the duties and attend to the rights and obligations which belong to the exercise of the Government of the people of the United States. It will turn out, I am quite sure, when the returns of the census come in, that there is no stated population in New-Mexico such as would justify us in receiving her into the Union, and assigning seats to be occupied by members from that State in—may I not say it?—this august assembly. No; New-Mexico was conscious of her own imperfect condition. New-Mexico was desirous of a Territorial Government. If she has been pushed upon the proposal of a Government of a different form or character to which her population and character did not adapt her, it has only been in consequence of her extreme necessity pressing her to despair of obtaining any Territorial Government with or without the Wilmot Proviso. We all agree about the adjustment of the Texas boundary—a question out of which I must say there is imminent danger springing, if it be not adjusted during the present Session of Congress—one, if not two civil wars—the civil war between the people of New-Mexico in resistance to the authority of Texas, to which they are utterly averse, and the civil war lighted up upon the Upper Rio Grande, which may in time extend itself to the Potomac. All, therefore, must agree—all have felt—every Senator who has expressed his opinion upon this subject during the progress of this debate, has avowed his conviction of the necessity of an adjustment, a compromise, a settlement of this boundary.

It has been objected against the measure that it is a Compromise. It has been said that it is a compromise of principle, or of *a* principle. Mr. President, What is a Compromise? It is a work of mutual concession—an agreement in which there are reciprocal stipulations—a work in which, for the sake of peace and concord, one party abates his extreme demands in consequence of an abatement of extreme demands by the other party. It is a measure of mutual concession—a measure of mutual sacrifice. Undoubtedly, in all such measures of compromise, one party would be very glad to get what he wants and reject what he does not desire, but what the other party wants. But when he comes to reflect that, from the nature of the Government and its operation, it is necessary on his part, in order to secure what he wants, to grant something to the other side, he should be reconciled to the concession he has made in consequence of the concession which he is to receive—if there is no great principle involved, such as a violation of the Constitution of the United States. I admit that such a Compromise as that ought never to be sanctioned or adopted. But, I now call upon any Senator in his place to point out from the beginning to the end, from California to New-Mexico, a solitary provision in this bill which is in violation of the Constitution of the United States. Sir, adjustment, in the shape of compromise, may be made without producing any such consequences as have been apprehended. There may be a mutual forbearance. You forbear, upon your side, to insist upon the application of the restriction denominated the Wilmot Proviso. Is there any violation of principle there? The most that can be said—even assuming the power to pass the Wilmot Proviso, which is denied—is, that there is a *forbearance to exercise*, not a *violation of*, the power to pass the Proviso. So, upon the other hand, if there was a power in the U. S. Constitution authorizing the establishment of Slavery in any of the Territories—a power, however, which is controverted by a large portion of the Senate,—if there was a power under the Constitution to establish Slavery, the forbearance to exercise that power is no violation of the Constitution, any more than the Constitution is violated by a forbearance to exercise numerous powers that might be specified, that are granted in the Constitution, and that remain dormant until they come to be exercised by the proper legislative authorities. It is said that the bill presents the state of coërcion—that members are coërced, in order to get what they want, to vote for that which they disapprove. Why, Sir, what coërcion is there? Is there any coërcion in the numerous treaties made by the United States? The treaty in settling the Maine boundary—the treaty in coming from 54 50 down to 49 in Oregon? All treaties which have been made upon commerce, upon boundaries, and other questions from time to time by the United States, upon the principal of mutual and reciprocal concession upon the part of those who made them? Is there any more coërcion in this case, than in the passage of a bill containing a variety of provisions, some of which you approve, and others of which you disapprove? Can it be said upon the part of our Northern friends, because they have not got the Wilmot Proviso incorporated into the territorial part of the bill, that they are coërced—wanting California as much as they do—to vote for the bill, if they do not vote for it? Sir, they might have imitated the noble example of my friend (Mr. Cooper,) from that State upon whose devotion to the Union I place one of my greatest reliances for its preservation. What was the course of my friend upon this subject of the Wilmot Proviso? He voted for it, and he could go back and say to his constituents, as all of you could go back and say to your constituents, if you chose to do so—"We wanted the Wilmot Proviso in the bill, we tried to get it in, but the majority of the Senate was against it. The question then came up whether we should lose California which has not an interdiction in her Constitution, which in point of value and duration is worth a thousand Wilmot's Provisos—we were induced, as my honorable friend would say, to take the bill and the whole of it together, although we were disappointed in our votes with respect to the Wilmot Proviso, to take whatever of objectionable matter it may have in it, on account of the superior amount of good it contains."

It is said, Mr. President, that this "Omnibus," as it is called, contains too much. I think, from the bottom of my heart, the enemy of the bill who gave it that denomination. The Omnibus is the vehicle of the people, and *this* bill deserves the name for another reason; that with the exception of two bills which are to follow, it contains all that is necessary to give peace and quiet to this country. It is said sometimes, however, that this Omnibus is too heavily freighted, and that it contains incongruous matter. I shall not repeat the arguments which I have addressed to you heretofore, showing that, according even to the British Parliamentary law, but especially according to the Congressional law, this *bill is* in conformity with practice in innumerable instances. But the ostensible objection that it contains too much matter is not the real one. Do you believe that the Senator who sits before me (Mr Baldwin) and other Senators in this neighborhood, if you would attach to the Territorial Bill the Wilmot Proviso, would have seen the incongruity? Would not the Senator, even, from Massachusetts (Mr. Davis) have voted for the whole of this incongruous bill with pleasure if it had only contained the Wilmot Proviso? It is not that the bill has too much in it; it has too little, according to the wishes of its opponents; and I am very sorry that the Omnibus cannot contain Mr Wilmot, whose weight would break it down, I am afraid, if he were put here. (laughter.) This incongruous measure, which has already too much in it, has not enough for the Senator from Tennessee (Mr. Bell). He wants to put into it two or three or more States from Texas, provisionally upon the event of their becoming applicants for admission into the Union. No, Sir; it is not the variety of the matter, it is not the incongruity, the incompatibility of the measures of the bill, but it is because the bill does not contain enough to satisfy those who want the "Wilmot," as it has been properly called, placed in the Omnibus.

Why, Mr. President, incongruous as it may be supposed, this measure has not half the incongruity of the elements of opposition to this bill. While upon this part of my subject, allow me to answer an argument delivered with all the triumph of conscious victory by the Hon. Senator near me (Mr. Hale) the other day. He said he had gone into a certain apartment in this Capital and there he had found my honorable friend from Michigan (Mr. Cass) and myself in close conversation; and the Senator from Mississippi (Mr. Foote) in consultation with a Senator now no longer in this place, but a Senator called by a grateful country to a more responsible station, and who has left us only this morning (Mr. Webster). I might have inquired how the Hon. Senator came there. May I ask to what key hole he applied his ear or his eye; in what curtain he was ensconced to hear and perceive that astonishing circumstance which he vaunted with so much complacency and self satisfaction [laughter.] Sir, I have been in repeated consultations with my friend (Mr. Cass) for so I will call him, and he has shown himself to be the friend of the peace of his country during the progress of this measure. Repeatedly have I been in consultation with him and other Democratic friends upon the subject of this bill, and the amendments which have been proposed. I regret only that our consultations have not been more numerous and of longer duration. But, sir, how stands the matter with them, with the elements of opposition to this bill? On the subject of slavery, the treatment of California, the Territories, the adjustment of the boundary of Texas, the fugitive slave bill, and the bill for abolishing the slave trade, there is no difference of opinion between my Democratic friends, whom I have consulted and myself; but there has been perfect union during all our consultations. Allow me to say that there is not a solitary instance in which a subject connected with party politics upon which we might have heretofore differed, in the progress of the administration of our Government, has been adverted to. We spoke of that measure, which absorbed all our thoughts, which engrossed all our hopes, which animated all our anxieties—the subject of pacifying, if possible, the distracted parts of this country—a subject upon which there was between us a perfect coincidence of opinion.

But how does the matter stand with the extremes who united against this measure? Why, sir, they are extremes upon this very measure, and upon this very subject of Slavery! Upon the very subject under consideration there is among them no union of sentiment, no coincidence of opinion.—In our meetings upon this subject, in our consultations, Democrats and Whigs convened and consulted together. They threw aside, as not genuine and as unworthy of their consideration, all the agitating party politics of the day; and I venture to say that in these meetings between my Democratic friends and myself, there was no diversity or contrariety of opinion upon the only subject that brought us together. If I am not utterly mistaken, there is no such union and coincidence of opinion between the opponents of this bill, who, upon the very subject of Slavery to which it relates, are as wide apart as the north and south poles. Some of the opponents of this bill have had quite as pregnant consultations as its friends. Whether the Senator near me from N. H. (Mr. Hale) was present or not, I am not able to say. I do not recollect to have heard that he was one of them, but I——

Mr. BUTLER [interposing]—I hope that the Senator——

Mr. PRESIDENT—Does the Senator from Kentucky yield the floor?

Mr. CLAY—No, sir, unless it is for an explanation.

Mr. BUTLER—I only wish to know of one meeting of the particular kind alluded to, or caucus, or anything of that sort, where these incongruous elements have met together.

Mr. CLAY (resumed): I was going to exonerate you from the association, and I only wish I could separate you upon the final vote. [Laughter.] I am afraid we shall find you there together. Whose eyes have not witnessed the consultations between the extremes of this Chamber from day to day? The eyes of every discerning Senator must have noticed it. But whether in the consultations between these ultra gentlemen of the South, there was any mixture of the abolition element who is near me, or not, I was about to remark that I do not say. I have not heard, indeed, that the Senator from N. H. (Mr. Hale) was present. But if he was absent, and there others about to vote upon the final question with some of our friends upon the other side, there is no doubt of the fact, from what I have learned, that the consultations of some of the opponents of the bill were quite as pregnant as any which have taken place between the friends of the bill.

Mr. DAYTON (interposing): I dislike to interrupt the Senator, but I desire as one of the opponents of this bill, on this side of the Chamber, to disclaim all knowledge either direct or indirect of any such meeting for consultation upon this subject.

Mr. CLAY: Does the Senator deny all consultations?

Mr. DAYTON: I have no knowledge of any.

Mr. CLAY: I alluded more particularly to some Senators whose consultations I have heard have been frequent, very frequent, but I do not assert it as a fact.

Mr. MASON. I would ask the Senator when he alludes to Southern Senators, of whom I am one, if he would be good enough to declare whether he ever heard or whether he has any reason to believe that Senators from the Southern States have met in consultation upon this bill with any Senator from the Free States.

Mr CLAY. No, Sir. I had not heard so—but at the same time I would ask the Senator from Virginia whether they have not had frequent consultations among themselves?

Mr. MASON. I will answer freely; there certainly have been frequent consultations between Senators from the Southern States upon questions involving the dignity, honor, and safety of the Southern States, involved as they conceived in the provisions of this bill.

Mr. CLAY. And so, undoubtedly, did *our* consultations relate to the dignity, honor, and safety of the UNION and the Constitution of our country. [Loud applause from the gallery.]

The PRESIDENT—Order. The sergeant-at-arms will clear the gallery, if order is not preserved. The Chair would not permit the applause to be repeated; if it is, he will be under the necessity of ordering all persons to leave the gallery.

Mr. CLAY: Mr. President, there is neither incongruity in the freight nor in the passengers on board our Omnibus. We are all heartily concurrent upon the only topic which brought us together, and which constitutes the sole subject of our consultations.—We have no Africans nor Abolitionists in our Omnibus—no Jew nor Gentile, Disunionists nor Free-Soilers. Our passengers consist of Democrats and Whigs, who, seeing the crisis of their common country, and the dangers impending over it, have met together, forgetting and throwing far behind them their political differences upon other subjects, to compare their opinions upon this great measure of reconciliation and harmony.

Mr. President, How stand the questions which have formed the subjects of our deliberations so long? One party wants the immediate admission of California, and wants the imposition of the Proviso in the Territorial Governments. The other party wants the limits of California circumvented, and the Missouri Compromise line applied; some of them with the express recognition of the right to carry slaves south of it; others, again, without such a recognition, trusting to an implied constitutional right; and these other parties are strenuously opposed to the Proviso. Some again want the Texas Boundary settled; and others want it to be left open. These are the conflicting opinions which we recognize in this body. How are they to be adjusted? Is there a Senator, or a Member of the House—is there a man in this wide country—who will say that Congress ought to adjourn without settling these questions? Not one. How are these conflicting opinions to be adjusted, then?—Can it be otherwise done than by meeting in the spirit of amity and conciliation, and recollecting the great interests to be preserved and promoted by combination? The honorable Senator from Massachusetts (Mr. Davis) says there are no parties who can make a compromise. Will the Senator excuse me for saying that this remark smells too much of the technicality of Blackstone. No parties! Are there not great conflicting interests, conflicting opinions, pervading the whole country? Who are the parties in that greatest of all compromises—the Constitution of the United States? There were no technical parties to that instrument, but in deliberating upon what was best for the country, and preserving that, there were great and conflicting interests pervading all its parts. They compromised and settled them by ample concessions and in the spirit of true patriotic amity. They adjusted these conflicting opinions; and the Constitution under which we sit at this moment is the work of their hands—a great, a memorable, magnificent compromise, which indicates to us the course of duty where differences arise, which can only be settled by the spirit of mutual concession. Sir, do we not know and have we not reason to apprehend, that without a combined measure you can do nothing! I have heard, Mr. President, that a different temper prevails at this time: that it is possible to carry these measures if they are presented in succession, just as they have been reported by the Committee. I take the occasion to say, and am sure I express the sentiment of every Member of the Committee, that we are not prompted by the pride of opinion, nor wedded to any given system of arrangement or settlement of these great national questions. We preferred combining them in one measure, because we thought it most practical and most likely to lead to an auspicious result. But if it cannot be adopted in the conjoint form reported by the Committee, and if the desired object can be better attained by action upon a series of successive measures, without the odious Proviso, not a murmur of complaint, I am quite sure, will ever be heard from a single member of the Committee. It is not the means, it is the great specific end we have in view; and however that end is attained—whether by such an arrangement as this Committee has proposed, or by separate acts of legislation, the Committee and myself are utterly indifferent.—But it is known to you that if all the measures comprised in the bill under consideration are not passed, there is danger that in the presentation of these measures in detail, some of them would fail, and the result would be that while one party got what it immediately wanted, the other would obtain nothing which it desired. You know there was great cause to apprehend—I hope there may be none now—that in the separate presentation of the measures, the consequence would be the attachment of the Wilmot Proviso in one or other of the two Houses, and the utter failure to establish any Territorial Government for Utah and New-Mexico. It was thought then, in the spirit of our Revolutionary sires—in the spirit which has heretofore pervaded all our Government, conciliating and reconciling as much as possible opposing and conflicting interests and opinions—we would present a measure which would bind all, and that would lead both parties, so far as practicable, to unite upon it for the sake of harmony and tranquillity. We thought then, as I think now, that Senators from the Northern States might go home to their constituents after this measure shall have been passed, and say, "We have got California; she is secure; there is a prohibition of Slavery in her Constitution that will last perhaps forever, whereas the Wilmot Proviso would have had a limited and an evanescent duration—existing while the Territorial form of Government remained, but ending whenever the State should come to form for herself a Constitution." This our Northern Senators might say with great propriety to their constituents, "We have secured California for you; she is dedicated now and forever to that Free-Soilism which you so much prize." "Well, but why then," they might reply, "have you not put in a restriction in the Territorial Bill so as to secure that at least until they come to be ripe enough to form State Governments for themselves?" Would it not be a satisfactory reply to them to say that in your opinion and in the opinion of a large portion of this Senate, the law of Nature and of Nature's God excluded Slavery from these Territories, and that according to your opinion the *lex loci* of the land also excluded Slavery? Might you not further add with propriety, that you endeavored to reconcile the distracted and disunited portions of this great empire, and that no imposition or restriction was necessary to any object which you desired to attain, and in a spirit of conciliation, therefore, you forbore to vote against the final measure, because it secured so much of what the North wanted? Could you not say that you were not in danger of losing what you also wanted in respect to the residue of the country?

This subject has presented one of the most extraordinary political phenomena that I ever witnessed. Here is a united Senate almost in favor of all the measures in detail—in favor of the admission of California; in favor of Territorial governments for Utah and New Mexico, with or without the Proviso; in favor of the settlement of the boundary with Texas; in favor of all these measures in detail, but opposed to them when they come to be presented unitedly to be acted on, admitting the validity of every item of the account, but when it comes to be footed up, denying, or unwilling to acknowledge, the justice of paying the aggregate. Sir, if the measures had been more incongruous than they are alleged to be, there has been ample time for a just conception of them—just as perfect an understanding of them as if they had been presented in successive details.

I wish again to make only a very few observations about this same Proviso. It has been argued, with an ability which requires no addition or attempt at addition from me, by the Senator from Massachusetts, who has just vacated his seat, that the Proviso is not in itself a principle, but a means to accomplish an end. And where, let me ask, exists the necessity for a Proviso? You have been told that the existence of African slavery depends upon the character of the climate and of the soil. The nature of the soil of New Mexico forbids the expectation that slavery will ever be planted there. Why, we all know that slave labor is applicable only to the great staples which constitute the subjects of our foreign commerce—cotton, sugar, hemp, tobacco and rice. Slave labor has been found, according to American experience, to be utterly valueless, or, at least to a great extent, valueless, in those States where these staple articles are not cultivated. Does anybody pretend that the soil of New-Mexico or Utah is adapted to the culture of these articles? Do we not all know that if it were adopted, and the climate and soil would allow of their being cultivated, the expense of transportation from New-Mexico or Utah, either to the Pacific on one hand, or to the Gulf of Mexico or the Atlantic on the other, would be perhaps ten times the value at home of any of these articles? But the Hon. Senator from Massachusetts, (Mr. Davis) has found out a new object of temptation in respect to slaves in New-Mexico. He has employed an expression which filled all of us with profound regret, on account of the dignity, the character of the Senator, and the high stations which he has occupied. He spoke of New Mexico being adapted to the *breeding* of slaves. He has had the good taste to omit that expression in his printed speech, and to substitute for it the "traffic" in slaves.

Mr. DAVIS, (in his seat) I believe I did not use that expression.

Mr. CLAY—The Senator did employ it, for it was heard and noticed by more than myself.

Mr. DAVIS—One cannot always remember precisely the language he uses in the hurry of debate. I can only say I have no recollection of using the word "breeding," and I think, if ther eporters' notes are preserved and referred to, the word will not there be found. I shall have the curiosity to look and see if it is so; but, according to the best of my recollection, I spoke of the capacity of the country for "traffic" in Slaves.

Mr. CLAY—That is the language of the gentleman's speech as printed; but the word "breeding" was used by the gentleman, or I never heard a word of the speech. Several Senators took note of it, and we expressed how much we were shocked and surprised at it. It was one of the principal topics of the Senator's speech; to talk about the cotton power, the cotton interest, and the breeding of Slaves. Now if the Senator had put it on the ground of a *lapsus lingua* from the heat of debate or the unguarded character of debate, I should not insist upon attributing it to him, but the expression was used by him and I remarked it; it was fixed on my memory, and very much did I regret that he made use of it. This talk, Sir, about the cotton power, the lords of the loom and the breeding of Slaves, will do for the bar rooms of cross-road taverns, but I never hoped or expected to hear upon the floor of the Senate such epithets applied to the great manufacturers of the North or the cotton growers of the South. I have struggled with the honorable Senator side by side, and I think he might have been disposed to do some little justice to those States which stood by the North in the great measure of Protection to American Industry. There were Maryland, Delaware, North-Carolina, Kentucky, Tennessee, which have generally stood by the principle of Protection to Northern interests. And among the more Southern States, Georgia, I believe, from what I have seen of recent manifestations of opinion of her representatives, was always ready to come up to the support and protection of our own domestic interests. And does not the Senator know that it was not the South—the unaided South—(for what could the South do alone in prostrating the principle of Protection?)—but it was the North and the South combined—it was Pennsylvania unintentionally, and New-York, and Indiana, and Illinois, and Maine, and New-Hampshire, and other free States, that decided the memorable contest of '44, and, combined with portions of the South, repealed the act of '42 by the passage of the act of '46, and prostrated the principle of Protection? And although, as I have stated on a former occasion, the South may be said in some sense to have had the general sway in the political affairs of this country for a long term of years, and although the Presidential office has been filled for the most part with her citizens, perhaps it would be as near the truth of history to say that the North itself has governed the country through the South. And is the honorable Senator from Massachusetts sure that if the calamitous event of the dissolution of the Union were to take place, and the North exclusively had the power of passing upon the principle of Protection, it would be now established? Unquestionably, without the concurrence and support of the South, none of those great measures, which are charged to the account of Southern domination—the "slave power" or the cotton power, could have passed. Sir, if my honorable friend (for so I wish still to regard him) wishes ever to see a moderate tariff established in this country, which shall secure Protection, to some extent, he will not do it by throwing out taunts such as he has done toward the Southern portion of the country, in respect to the "cotton power," or slave-breeding interest. This charge upon the slave holding States, of breeding slaves for market, is utterly false and groundless. No such purpose ever enters, I believe, into the mind of any slave holder. He takes care of the slaves; he fosters them and treats them often with the tenderness of his own children. They multiply on his hands, he cannot find employment for them, and he is ultimately, but most reluctantly and painfully, compelled to part with some of them, because of the increase of numbers and the want of occupation. But to say that it is the purpose, design or object of the slaveholder to breed slaves as he would domestic animals for a foreign market, is untrue in fact, and unkind to be imputed or ever intimated by any one. And it is not by such reproachful epithets as "lords of the loom," "lords of the plantation," the "slave power," and the "money power," that this country is to be harmonized, especially when we are debating upon these great measures which are essential to its onward progress, and to its present and future prosperity.

Mr. President, it is one of the peculiar coincidences attending my present position, as I remarked on a former occasion, that I am generally called upon to vindicate the measures proposed in this bill against those whom we have regarded as its friends, as well as those who are considered as open, avowed opponents of the measure. I anticipated the other day, somewhat the argument which I beg leave barely to advert to now. I think, among our Southern friends two or three great errors are occasionally committed. They interpret the Constitution according to their judgment; they engraft their exposition upon it; and instead of listening to, or giving due weight to the opposite interpretation, to the conflicting exposition, which is as honestly believed by the opposite interpreters as they believe on their side, they proclaim their own exposition of the Constitution, and cry out "*All* we want is the Constitution." In the comparison and expression of opposite opinions, infallibility is not the lot of mortal man. It belongs only to Him who rules the destinies of the world, and for any section, or any set of gentlemen to rise up, and say—"the Constitution means so and so, and he who says otherwise violates the Constitution," is in itself intolerant, and without that mutual forbearance and respect which is due to the conflicting opinions honestly entertained by all who are equally aiming to arrive at the truth. Now, I said the other day that the Wilmot Proviso, as proposed to be enacted by Congress and incorporated in the Territorial bills, was a question totally distinct from the insertion of the restriction in a constitution formed by a newly organized State.

It is the opinion of the opponents of the bill, and the opinion, too, of some of its friends—although it is not my own opinion—that the Constitution confers no authority upon Congress to impose a restriction upon the subject of Slavery in Territorial Governments. Very well; if Congress has no power to enforce such a restriction, and, nevertheless, does exercise such a power, it is usurpation, it is assumption of illegal authority, it is wrong in any view of the matter, a grievous and oppressive wrong. But when a State which is about to enter into the Union, and which is deliberating concerning a Constitution which is best adapted to promote her interests and happiness, chooses to consider whether she shall admit or exclude Slavery, and decides to exclude it, can such an exercise of authority on the part of the State, a conceded power, be confounded with the unconstitutional exercise of it by Congress! Now, do not our Southern friends who oppose this bill upon the ground that there is an interdiction to the introduction of Slavery in the California Constitution, and that that is equivalent to an introduction exercised unlawfully by Congress according to their views—do they not mingle truth and falsehood, black and white, things totally dissimilar? It is of no consequence what effects the one on the other measure may produce. That is a different question. The question is one of power, and I say the exercise of such a power, which they regard as a usurpation by Congress, is totally distinct from the lawful exercise of a similar power, by a State forming for herself and her own government a Constitution; three years ago, two years ago, one year ago, one short year ago, the great complaint on the part of the slaveholding States of this Union was the apprehended infliction upon their interests of a restriction called the Wilmot Proviso. Well, we have met together; there has been a change of public opinion, a modification of public opinion at the North. And allow me to say that, with regard to that most important portion of our Union, its north-western section, no man is more entitled to the honor and gratitude of this salutary change than the Hon. Senator in my eye (Mr. Cass) who represents Michigan. He came here with his hands tied and bound by a restriction, which gave him no other alternative than a violation of his conscientious convictions of duty, or a resignation of his seat into the hands of those who sent him here. Discussions have taken place in this house, in the country, in the press—they ran through the North, and Michigan nobly released and united the hands o her Senators, and left them free to pursue their own best judgment to promote the interests of their country. And allow me to say, this is the feeling of all the North West. There is, indeed, one honorable Senator here (Mr. Dodge, of Wis.) whose grave and Roman-like deportment in this body has filled me with admiration throughout our entire session—a Senator covered with laurels by his military deeds in the field of battle; and, if he will allow me to address him, approaching as we both are to the close of life, I would say to him that there is nothing wanting to a consummation of his assignment to a more important and conspicuous position in the country's history—there is *nothing* wanting but to cap the climax of renown by contributing to carry triumphantly through, this important measure of conciliation.

Let me, for one moment, assuming the passage of the various measures which compose the system reported by the Committee of Thirteen,—let me see what will be the condition of the two sections of the Union—what has been gained and lost for each. The North gains the admission of California as a Free State, and the high probability of New-Mexico and Utah remaining or becoming Free Territory; avoids any introduction of Slavery by the authority of Congress; sees New-Mexico detached from Texas, with a high degree of probability—from the nature of the climate and the character of the soil, and from other circumstances—that New Mexico will ultimately become also a Free State; and secures the abolition of the Slave trade in the District of Columbia. Are not these objects of sufficient magnitude to satify any moderate, rational Northern wishes? And what will the South gain? The South avoids the assertion by Congress of the dangerous principle, as they regard it, contained in the Wilmot Proviso; places beyond controversy 900 miles of the Territory of Texas on the Rio Grande now in dispute; gains an efficient Fugitive Slave bill, and silences the agitation in this District about the Abolition of Slavery. Sir, it may happen, and I am not going to disguise my convictions as to the probabilities of the fact that the South will get no Territory in Utah, New Mexico, or California, adapted to Slave Labor, in which Slaves will be introduced. But that is not the fault of Congress. It is Congressional power, Congressional usurpation, Congressional assumption of an unlawful authority over the institution of Slavery, against which the South raises her voice in protestation. If she cannot get Slave Territory in California, New-Mexico, and Utah, whose fault is it? She cannot blame Congress, but must upbraid nature's law and nature's God.

In human affairs yet to be attained, there are four conditions under which they present themselves—the certain, the probable, the possible, and the impossible. The certain requires no effort; the probable but a little effort; the possible may be accomplished by an indomitable will and an energetic perseverance in the pursuit of it. But as to that which is impossible and inevitable, philosophy, reason and religion, and all the guides which are given to us by the blessings of God, inculcate upon us the duty of submission to His will, and resignation to His paramount authority. Now it is inevitable, in my opinion, that Southern Slavery is excluded from the possession of any portion of California, Utah, and probably New-Mexico. And if so, why contend for it? Now what is it that distracts the public mind? A mere abstraction. We look back with surprise and astonishment at the persecutions and punishments for witchcraft that some 200 years since occurred in the States of Massachusetts and Connecticut. Two hundred years hence, if not much sooner, our posterity will read the history of the present times, agitating and threatening the country as they do, with as much astonishment as we pore over the leaves of the historian, in which he recounts the witchcraft and the persecution and punishment of witches in former times. And why contend for carrying slaves to Utah and New-Mexico, when there is nothing upon which their labor can be employed—where nobody will take them? Let me remind gentlemen, now, while upon this point, of the subject—I mean those who are desirous for the greatest extension of the theater of Slavery—of a danger, and a great and imminent danger, which they are incurring. I venture a prediction—not likely to be fulfilled or decided, perhaps, in the course of the short remnant of my life—that if Texas includes all the territory now claimed by her—nay, I go further, although this contingency I am about to state is less likely to happen by the curtailment of the boundary—I venture to say that in some thirty, forty or fifty years there will be no Slave State in the limits of Texas at all. I venture to predict that the Northern population—the population upon the upper part of the Rio Grande and perhaps upon the lower Rio Grande, will in process of time greatly outnumber the population holding slaves upon the Gulf and the lower waters of Texas; and a majority will be found to be adverse to the continuance of Slavery, and it will either be abolished or its limits effectually circumscribed. This is no new opinion with me. I think that I gave the same in a letter which I wrote some six years ago from Raleigh, in the State of North Carolina. I said, that if two, three or four States were formed out of Texas, they would ultimately become Free States. And I say that the probability is very great of all Texas becoming so, if it all remains as she has claimed, including from the mouth of the Rio Grande to its source, or even limited by El Paso.

But whether it be great or small, it appears to me that it is the interest and duty, and should be the inclination of the South to look at facts and nature as they exist, and to reconcile themselves to that which is inevitable and impossible—to reconcile themselves to the fact that it is impossible—however desirable it may be in the opinion of any of them—to carry Slavery to the countries which I have described.

But, Mr President, in the supposition which I have made, as to what is gained by either section of the Union, in consequence of this arrangement of the common difficulties between them, is there anything of which the South can justly complain?—The fault of Congress cannot be cited as depriving them of the opportunity of carrying their slaves there. The provisions of the bill are that the people are left free to do as they choose. There is, indeed, one provision which did not meet my approbation, and with which I would have been better satisfied if it had been left out—and that is the provision which does not permit the Government of the Territories to establish or prohibit Slavery, but it was introduced at the instance of some Southern gentlemen; and another amendment was also introduced at their instance, which expressly provides that if any States from this territory shall come here with a Constitution admitting Slavery, that the fact of the provision for or against Slavery is to constitute no objection to her admission into the Union. Now what complaint can the South make if the whole scheme is carried out? The South gains a virtual abandonment of the Wilmot Proviso, avoids the assumption of a power dangerous to the institution of Slavery within the States, or the application of such power to Slavery without the States, and secures 900 miles of now disputed territory. It is quite unreasonable for any gentleman from the South or elsewhere to get up and say that the title of Texas to this country is indisputable—that it is as clear as the tale of any other State to any other territory in the Union. There is an opposite opinion; and I share myself in the doubt of the validity of the claim of Texas from the mouth of the Rio Grande to the source of that stream. Here are opposite opinions, honestly and sincerely entertained by both parties. What is to be done in such a case? You refuse to appeal to the Supreme Court of the United States. You disown any jurisdiction which can settle the question. Texas at this moment threatens, we understand, by force of arms, to enforce her claim upon New-Mexico.

How is the question to be settled? Can it be done otherwise than by compromise, and by the Compromise proposed in this bill? I repeat, the South gets 900 miles of the best part of the country bordering upon the Rio Grade put out of the controversy as to the present right to transport slaves there. She gains the abandonment of the Wilmot Proviso, an extent of territory on the Rio Grande, and she gets a fugitive slave bill which I trust will be rendered efficient; and she also gets, as I trust I shall be able to show, in the progress of my argument, the abandonment of the agitation for the abolition of Slavery in the District of Columbia. What more can the South ask? Congress does nothing to injure her; denies her no rights; has offered as much as it can: and says, that if any new State shall come here, it shall be admitted with or without Slavery, as its people shall choose. What more, let me ask, can the South demand?

Sir, I repeat, that if the South does not gain the sanction of her right to carry slaves into the new acquisitions, it is because, according to her own doctrine, Congress has no constitutional authority to confer such a privilege; and because California, exercising her undoubted power, has excluded Slavery from her limits; and because, in the limits of Utah and New-Mexico, the laws of Nature and of Nature's God exclude Slavery. Now let me, at this point of the case, stop a moment to compare the system of measures recommended by the Committee, with what has been contended for by some of the Southern Senators during the progress of the bill—viz: the line of 36° 30′ to be run to the Pacific, to cut that much off, of course, from the State of California. Let us consider that question under two aspects: First, without a provision that slaves may be carried South of that line; and, *secondly*, with such a provision. If a line is run without a declaration as to its effect upon the one side or the other, you might as well run a line upon the sands, upon the