THE NATIONAL ERA.

SPEECH

OF THE

HON. WILLIAM A. SACKETT, OF NEW YORK,

AGAINST

Mr. Pearce's bill to cede part of New Mexico to Texas, to extend the Missouri compromise, and to pay ten millions to Texas bondholders.

Delivered in the House of Representatives, August 15, 1850.

The House being in Committee of the Whole on the state of the Union, on Mr. PEARCE's bill from the Senate—

Mr. SACKETT said:

Mr. CHAIRMAN: A bill has been sent to us from the other end of the Capitol, for our consideration, of which the following is the title:

"A bill proposing to Texas the establishment of her northern and western boundaries, the relinquishment by said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States."

Sir, this is not the true title of such a bill. It does not state truly its purposes and objects. It gives a false impression, and is well calculated to deceive. It indicates its nominal, not its real purposes. I propose to give to this bill a true title—such a title as we all can understand—a title that will convey to the country the genuine character of the measure—as shall strip it of all disguises, and present it in its true colors. Sir, the title I propose to substitute for the false and hypocritical one it now bears is this:

"A bill to convert FIFTY-SIX THOUSAND SQUARE MILES OF FREE TERRITORY into SLAVE TERRITORY—to declare the Rio Grande the western boundary of Texas—to extend the Missouri compromise line west, or [illegible] and slavery [illegible] (with a view of its extension to the Pacific)—also to tax the people of the United States ten millions for the benefit of slavery."

This title, sir, is no fraud upon the provisions of the bill; it truly expresses what is really designed to be accomplished by it. It is true that the bill, in terms, purports to settle the boundary line of Texas; and it is equally true that it does not settle that line as it really is. It gives a line to Texas, but makes no approaches to the line of Texas. There is not an individual who now hears me that believes the line of 36 deg. 30 min. designated by this bill is the line of that State, or that it is within two hundred and fifty miles of that line. It is plain that the bill is not, therefore, as is stated in the title, a bill to settle the "boundaries" of Texas, but to make a line for her boundaries.

In this point of view, touching the question of the payment of ten millions proposed by the bill, as well as other important questions, it is manifestly of the first importance to ascertain what we get and what we give, what we acquire from Texas and what we grant to her. For I take it for granted there is no man in this House so regardless of the interests of the people of this country as to put them under contribution for ten millions, unless for just consideration.

Well, sir, I start with the proposition, and I intend to prove it, that the United States do not get one acre by this bill from Texas, to which she has any claim whatever, but, on the contrary, that we thereby absolutely cede to the Texas SIXTY-SIX THOUSAND SQUARE MILES OF FREE TERRITORY—being the east half of New Mexico, the fee simple to more than *thirty mill on acres* of land now belonging to the *General Government*, together with all the claims the nation has to about seventy thousand square miles more, between the Nueces and the Rio Grande, and the State of Tamaulipas besides.

I shall first endeavor to show, that no part of the fifty-six thousand square miles ceded by this bill ever belonged to Texas, was ever in her possession, or subject to her sovereignty or control. This part of the territory ceded is a section of country bounded on the north by the line of thirty-six thirty; on the east by the hundredth parallel; on the south by a line drawn from a point on the Rio Grande at about the thirty-second parallel north latitude, to the southerly sources of the Colorado at about the thirty-second degree, and then to the hundredth parallel of longitude at the southwest bounds of the United States as formerly held; and bounded on the west by the one hundred and third degree of longitude, except a small part of the southwest corner which runs to the Rio Grande.

Parts of this country have been settled nearly as long as any portion of America, longer than any part of the United States. It was a part of Mexico up to the time it was conquered by our arms in 1846. At all times prior to that period it had been a part of a loyal State of Mexico, called New Mexico. These facts are so well authenticated, are so universally known and admitted, they require no authority to sustain them. If proof was required, our own acts and the acts of Texas herself are abundantly sufficient.

After the conquest of New Mexico, a Provisional Government was organized by order of the then Executive, over the people of that country, by Gen. Kearny, in command of our conquering army. This Government remained in full force during the war, and, in fact, has continued ever since, maintaining all the ancient rights and privileges of the people there.

The northern line of Texas begins at a point near the intersection of the thirtieth degree of north latitude, and hundredth degree of west longitude, and runs from thence northeasterly to the thirty-second degree, and thence east to Louisiana. The westerly boundary is from the northwest point stated on a line running in a southeasterly direction till it strikes the Nueces, and thence to the Gulf of Mexico. It will be seen by this that Texas does not touch New Mexico at any point, unless it may be on the southeast corner. Tamaulipas was between them on the northwest, and the old possessions of the United States come as far west as any part of Texas. The strip of country between the north line of Texas and the south line of the United States east of the one hundredth parallel was and still is unorganized Indian territory. I will cite some authorities on the boundaries of Texas.

1st. The treaty with Mexico and the map annexed. These make the south line of New Mexico the 32d degree; and a portion of New Mexico is laid down on the map as the Santa Fe country—which is but a part of New Mexico, and contains its capital.

Humboldt's map, and his work entitled Humboldt's New Spain. This (the best authority given on this subject) lays down the line as I have stated it.

Robinson's map of Missouri, Louisiana Territories, &c. This map makes the north line on the thirty-second parallel.

I could cite numerous more authorities, and numerous speeches of the most distinguished men of our country, in proof of the substantial correctness of what I have stated, and correctness of these authorities—such as Mr. Clay, Mr. Benton, Mr. Underwood, Albert Gallatin, and others. But it is unnecessary; the facts are too well known to require further evidence.

Thus we see where the southern line of this country, so conquered and so possessed, has been, as it were, for ages. About this there never has been any dispute, any conflict among the people there. Both portions of the country, north and south of this line, have been settled for generations, governed by different laws, independent of each other, and for a long time separate and independent States. This was the New Mexico we found, we conquered, we have possessed; that we still possess, that we are bound to protect by the express terms of the treaty with Mexico—the very treaty Texas helped to ratify and confirm. By the ninth article of the treaty the United States agree—

"The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican public, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion, without restriction."

I have now shown what the possession of the country this bill proposes to give to Texas, has been, both before and after the conquest. I now come to the question of actual title—title aside from any presumption arising from long and undisputed occupancy.

In 1835 the Mexican State of Texas revolted from Mexico, and after a successful contest declared her independence of the mother country. I here introduce the manifesto of Texas, made when she revolted, to show that it was Texas alone that revolted:

Manifesto of Texas, Nov. 7, 1835.

EXTRACT.—"That Texas is no longer morally or legally bound by the compact of Union.

"That they do not acknowledge that the present authorities of the present nominal Mexican Republic have the right to govern within the LIMITS OF TEXAS.

"That they will not cease to carry on war against the said authorities whilst their troops are within the LIMITS OF TEXAS."

Tamaulipas was the next adjoining State. It did not revolt. New Mexico was the next, and it did not revolt.

The existence of Texas as an independent Power was acknowledged by several of the Powers of the earth, and finally by us. But her boundaries with Mexico were not only never settled, but Mexico never acknowledged her, in any way, as an independent State. Texas, therefore, never took anything from Mexico by implication or treaty. As a matter of sovereignty, rights, or powers, nothing ever arose to Texas out of her revolt, except the power to maintain her sovereignty. She never existed as a nation as against Mexico, by acknowledgment. She was to her a revolted province. Under these circumstances, it is plain that Texas took nothing from Mexico that she did not govern—that she did not subject to her dominion. What remained in obedience to Mexican law is in no sense hers. This proposition is so clear it requires no further illustration. What, then, was under the laws of Texas? What was under the laws of Mexico? Who claimed to be the subjects of Texas, and who of Mexico? When we have truly found out these facts, the whole question will be as fully settled as the law of nations and the rights of sovereignty can settle it.

Did the people of New Mexico, or any one human being beyond the line of Texas, ever for one hour acknowledge Texan authority? There is not one intelligent man North or South who believes any such thing. That all New Mexico lived under Mexican law up to the time the United States conquered it, is a fact as well known as that the people of Pennsylvania live under the laws of that State. We sent an army to conquer this same people, and Texas helped do it. We did conquer them, and we established a Government over them, as a conquered people. Did we conquer Texas? Did we establish a Government over Texas? Was this the action of the supporters of the Mexican war and of the administration of James K. Polk? Such a position is too absurd to deceive anybody. Had Texas ever pretended to exercise authority in any part of this country? No; she never had an officer within hundreds of miles of the nearest settlement. There is not a settlement in Texas within hundreds of miles of the settlements of New Mexico. Sir, except on two occasions, there never was a soldier of Texas in any part of this country during her independence, and those occasions were in 1839 and in 1841; and in both instances the expeditions met with a total defeat, and an utter annihilation of the whole force sent. Thus began and thus ended all the connection Texas ever had with any part of New Mexico. The people of that loyal province never as much as had any association with the laws or people of the revolting State. They ever had an utter abhorrence of both. They have lived under the same laws since Mexico became an independent nation.

There is another item of evidence I will produce, and I am done with this branch of subject. In 1839, the disaffected of the Mexican provinces of Tamaulipas, Coahuila, Durango, New Mexico, and such others as might join them, attempted to form an independent Republic, to be called the Republic of the Rio Grande. General Canales took the command of this movement, and was elected President of the new Republic, in which capacity he entered into an agreement with the Government of Texas, as follows:

1st. The President of the Republic of the Rio Grande pledges himself to declare the Republic at Rio Grande, and to declare and establish the State and Constitution of 1824, so soon as he shall have established his headquarters within the limits of the territory claimed by the said Republic.

"2d. That the Republic of the Rio Grande shall, immediately after the said declaration of independence, recognise the independence of Texas.

3d. The REPUBLIC OF TEXAS pledges herself to AID *the federalists of the Rio Grande* in her struggle for *independence*, directly her independence is recognised by the Republic of the Rio Grande."

Under this agreement, Texas co-operated with General Canales, who took possession of the town of Laredo, in Tamaulipas, which he held for a short period, when he was attacked by General Arista, in command of a Mexican army, and obliged to escape into Texas. Thus began and ended the Republic of the Rio Grande.

If anything could make the claim of Texas to this [illegible] this transaction does so. Texas was then an independent Republic, and had been for several years. There is no pretence she ever acquired any territory after her independence; and here she is, by this agreement, agreeing to aid and assist a revolt of this same country from Mexico, with the view of its forming a new and independent Government; and she actually sent her forces for that purpose. This was even after Texas had claimed, *on paper—the only claim she ever made*—all the country between her and the United States on the north.

No impartial man can examine these facts, and fail to come to the conclusion that Texas has no shadow of claim to any part of this country. In the resolutions of annexation, the United States carefully guarded against assuming any pretended claim of Texas to any territory she did not really own, and over which she had no control. The terms of the resolutions are as follow:

"*Resolved*, That Congress doth consent that the territory properly included within, and rightfully belonging to, the Republic of Texas, may be erected into a new State," &c.

"*Resolved*, That the foregoing consent is given upon the following conditions: * * * First Said State is to be formed subject to the adjustment by this Government of all questions of boundary with other Governments."

After the surrender of independent sovereignty on terms like these, thus leaving it exclusively to this Government to say what is and what is not Texas, and after all the other facts I have stated, it is difficult to conceive how any man can talk of the claim of that State to New Mexico; how any man can vote to surrender more than thirty millions of acres of our public lands, *and fifty-six thousand square miles of our free territory* into slavery, on account of any pretended claim of Texas.

It is claimed, on the part of Texas, that the United States conquered New Mexico for her benefit, to the extent of her pretended claim; that whether her claim was good or bad as against Mexico, after the conquest it became good against this Government. As extraordinary as this doctrine may appear, in the face of the facts and of the resolutions of annexation, it is strenuously urged by the advocates of Texas and slavery. The doctrine is no more nor less than this: Texas never had and never could conquer New Mexico. The United States could and did conquer it, and after they had done so, Texas shall have the right to take the country as her own, because she had once put in a false and fabulous claim that she never had any power to enforce, never did enforce, never had any right to enforce. Was barefaced impudence in claiming what belongs to another ever more apparent?

Whatever may be said about the causes of the Mexican war, whether it arose—as stated by President Polk in his message to Congress of 8th of December, 1846, because "we had ample cause of war against Mexico long before the breaking out of hostilities * * * * * causes which existed long before the annexation of Texas to the American Union"—from a spirit of aggression, or to maintain the claim of Texas to the country between the Nueces and Rio Grande; whether the people of this country believe these, or any of these causes, originated the war or not; I venture the assertion there is not a citizen of the Republic who believes that war was begun or carried on to maintain any claim of Texas to New Mexico. The thing was never heard of. California and Utah were as much conquered for Texas as New Mexico.

1st. Texas never had possession, or the right to possession, of one foot of that country; never had a civil officer there, nor a soldier, except to be conquered, defeated, and carried into captivity.

2d. The whole country has been for ages, and is now, under the government of its own laws, derived from Mexico and from our provisional Government.

3d. The limits of Texas were well known and established long anterior to her revolt from Mexico. They never included any part of New Mexico, or of the fifty-six thousand square miles this bill gives away.

4th. Texas revolted; New Mexico never did. Texas became independent; New Mexico remained a loyal State of Mexico.

5th. The United States conquered and bought the very country this bill cedes to Texas.

6th. The United States, by conquest and purchase, succeeded to all the rights, titles, possession, sovereignty, and control of Mexico over every part of this territory, and Texas has no claim thereto whatever.

I now come to my second proposition, that this territory is now

FREE TERRITORY.

It is hardly necessary to spend time in proof of this proposition. It is so universally understood, so well established in the public mind, that it would be little else than waste of time to offer further proof in its support. I shall, therefore, content myself by saying, that all this country, being part of the Mexican Republic, up to the time of its acquisition by this Government, was under her laws, and came to us subject to their authority. That among those laws was a law prohibiting slavery or involuntary servitude—a law that had been in full force for twenty years. Slavery was abolished in Mexico in 1829, by the decree of the Chief Executive, Guerrero, which decree was affirmed by the Mexican Congress in 1837, which decree and act of Congress were as follow:

MEXICO—TOTAL ABOLITION OF SLAVERY.

"The President of the Mexican United States to the inhabitants of the Republic, greeting:

"Desiring to signalize the year 1829, the anniversary of our independence, by an act of national justice and beneficence that may turn to the advancement of so important a result; that may consolidate more and more public tranquility; that may co-operate to the aggrandizement of the Republic, and return to an unfortunate portion of its inhabitants those rights which they hold from nature, and that the people protect by wise and equitable laws, in conformity with the 30th article of the constitutive act,

"Making use of the extraordinary faculties which have been granted to this Executive, I decree:

1st. Slavery is forever abolished in the Republic.

2d. Consequently, all those individuals who until this day looked upon themselves as slaves are free.

"When the financial condition of the Republic admits, the proprietors of slaves shall be indemnified, and the indemnification regulated by law.

"And in order that the present decree may have its full and entire execution, I order it to be printed, published, and circulated to all those whose obligation it is to have it fulfilled.

"Given in the Federal Palace of Mexico, on the 15th of September, 1829. VINCENTE GUERRERO.
LAURENZO DE ZAVALA."

An act of the Mexican Congress, abolishing slavery.

EXTRACT.

"ARTICLE 1. Slavery, without any exception, is, and shall remain, abolished throughout the entire Republic.

"*Passed April 5, 1837.*"

We received this country, then, as free from slavery as the State of Massachusetts, and we are as much bound to keep that people—who have rid themselves of that evil, repudiated and abandoned that system of injustice and oppression—from being again dragged into it, against their will, as we would be to keep the people of Minnesota from being forced into bondage by the State of Missouri.

By the law of nations, as well as the law of necessity, the people of any country who are transferred from one sovereignty to another, remain under the law that has governed them until the new sovereign power governs them by laws of its own, passed for that purpose. If the rule were otherwise, they would be left without laws, would, in fact, not be transferred at all. For it is idle to say a people belong to a power who are under no law. While it is true the ægis of the Constitution is spread over all new acquisitions, it is equally true that it enacts no law for the government of the people. The Constitution will never elect judges, justices, or a civil police. Then, unless their old laws give them these offices, they have no power whatever to administer justice. Many of the highest offences even are only crimes against statutes, and not at common law. In truth I am not aware that they have ever adopted the common law in Mexico at all. Now, sir, will any man contend that every statute against crime in all that country is repealed, and that there is no law to punish offences there? Such a proposition would be monstrous. It is sufficient to say that it is the well-settled law of nations, that a conquered people remain under their own laws till they are superseded by the laws of the conquering power. Vattel says:

"A prince taking a town or province from his enemy can justly acquire over it the same rights only as belonged to the sovereign against whom he had taken arms."

This is plainly only the right to govern by laws to be passed for that purpose, and until then by the laws in existence.

This same point is decided by Lord Mansfield in Campbell *vs.* Hall. (1st Cowper, 205.)

The fifth point decided is, "the laws of a conquered country continue in force till altered by the conqueror."

The same point is again decided in the Supreme Court of the United States, in American Insurance Company and others *vs.* Canter. (1st Peters, 542.) Chief Justice Marshall says:

"The law, which may be denominated political, is necessarily changed, though that which regulates the intercourse and general conduct of individuals remains in force until altered by the newly created power of the State."

The same thing is decided, 8th Wheaton, 589; 12th do., 528; 535; 6th Peters, 712; 7th do., 86; 8th do., 444, 465; and in various other authorities.

I have only made use of this argument to show that this, like all other cases, is subject to the law of nations; that every part of our conquests from Mexico remains as we received it—*free*—free by the law of nations, free by the law that governs it, free by the treaty that granted it. And, sir, so far as my action is concerned, every foot of it shall remain free forever.

I now come to my third proposition, that the cession of this *fifty-six thousand square miles* to Texas is

THE CONVERSION OF FREE INTO SLAVE TERRITORY.

I have already shown that, by the law of nations, the law of necessity, the history of this country, and the facts in this case, the people of New Mexico are now free; and that every part of their territory is also free. I now propose to show, that to grant it to Texas, is to convert it into slave territory. That to vote for this bill, as it now is, is to dismember a free country; to vote into slavery forever a country larger than five of the New England States; much larger than the State of New York; large enough, when as thickly settled as Massachusetts, to hold in the chains of bondage four millions of men, women, and children. This, sir, is the measure, and these are the results we are asked to support and secure.

Shall I vote to send more than *fifty thousand square miles* of free territory into slavery, to extend the Missouri Compromise near two hundred miles, and to tax the people of the free States ten millions for the benefit of Texas slavery? Vote to pamper the cupidity of a State that has already cost this country thirty thousand lives, and more than a hundred and fifty millions of dollars? No, sir; never. While reason lasts, while one principle of justice remains, while one chord of human sympathy vibrates, never—no, sir, never!

It is claimed, if this bill passes, it will be instrumental of the admission of California. Sir, there is no truth in this declaration. If there be anything in it, let California pass first. She has been waiting for nine months. She has a large population, *and there is pressing necessity for her admission.* Let us not deceive ourselves *nor be deceived. There is not one Southern man not one pro-slavery man*, who will vote for the admission of California if this bill be passed, who will not vote for it any way. Sir, there is not one Southern man who will say he intends to do so.

Mr. McMULLEN rose and said, he could show one Southern man.

Mr. SACKETT. Will you vote for California if this bill be passed?

Mr. McMULLEN. I will vote for California if all the measures in relation to slavery shall be passed.

Mr. SACKETT. Oh yes—it is as I supposed. If California can be made the pack-horse to grab for Texas and slavery more than *fifty thousand square miles of free territory*, to extend the Missouri Compromise, to admit New Mexico and Utah without the Proviso, and to secure the recognition of slavery south of thirty-six thirty to the Pacific, then, sir, and not till then, certain gentlemen will vote for California. Sir, I shall make no such bargain; I shall enter into no such contract; I am for no such consummation. I say to this House, to the country, and to the world, as much as I am for the admission of California, if she can only be admitted on such terms as these—if she is to be resisted as a free State, and kept out unless she is made the instrument of all this iniquity, then, sir, I am opposed to her admission; I am opposed to it now, and upon such conditions I am opposed to it forever—

"The wages of sin is death."

I seek no alliance with California, or any other portion of the world, at the expense of human rights. The fraternal embrace of States that trample upon the slaughtered liberty of others is a brotherhood so utterly repugnant to me, that no power could induce me to give it my support.

There is a pressure from without and from within, to vote for this bill, that is not usual in such cases. What is the meaning of all this? The people have never asked it. It is a subject that has never been submitted to their consideration. Certain presses seem suddenly oppressed with haste on this subject. To all those who are so aroused to this *ten million question*, let me say, your nervousness will never induce me to vote into slavery a country six times as large as Massachusetts, and thereby aid in securing to that institution the whole country south of *thirty-six thirty*—a country large enough to contain more slaves than are now in the whole Union.

Sir, I present these truths to every Representative from the free States—to every man who feels that an honest, an upright constituency is looking on with an eye that never sleeps in the cause of humanity. Tell me, are you about to vote to bind the chains of bondage on a country as free as yours? If so, do it—I shall not go with you. The unborn generations of parents and children, fathers and sons, mothers and daughters, of that immense region, shall never, with the uplifted hands of imprecation, call down the curses of God on me for rivetting chains on them.

I hear it frequently said that by this bill we save all north of thirty-six degrees thirty minutes to freedom. Gentlemen must not ease their consciences by this pretence, for there is no truth in it. First, because Texas never owned a foot of country within four hundred miles of there; and next, because by the *express terms of the resolutions of annexation, slavery can never exist north of that line.* Extract:

"In such States as may be formed out of said territory north of said Missouri compromise line, slavery * * shall be prohibited."

So that by this bill nothing is gained to freedom, even if the claim of Texas was valid. But for another and broader reason, there is nothing gained. Texas never had any claim to any part of New Mexico. In annexing Texas, as a matter of course the United States would let her put in any claim to territory, or even pretended claim she chose—the compact expressly reserving to the United States the right to settle all questions of boundary on just and proper terms, as we have already seen. And, sir, this is all the reason why anything whatever was permitted in the resolutions of annexation about the New Mexican country.

This bill is but a part of the Missouri Compromise project of the propagandists; and it is well the whole country should understand the length and breadth of that plan. Every man in the nation, who is in favor of extending slavery, is in favor of thirty-six degrees thirty minutes. This appears from their public prints, their resolutions, and their addresses. The latter part of the eleventh resolution of the Nashville Convention, on this subject, says:

"We are ready to acquiesce in the adoption of the line of 36 degrees 30 minutes north latitude extended to the Pacific ocean, as an *extreme concession*, upon consideration of what is due to the stability of *our institutions*."

And the resolutions of the Southern Congressional caucus say:

"3d. *Resolved*, That we will not vote for the admission of California, unless the southern boundary be restricted to the parallel of 36 degrees 30 minutes north latitude."

I might introduce proof without end on this subject, but it is unnecessary. The slaveholding interest is for the Missouri compromise, and nothing else.

This is not all. It is all that appears on the face of things, but not all the reality. The conquest of Mexico and the subversion of her freedom is part of this slavery scheme. All this could be easily shown by proofs the most ample. And now, I ask, is it possible there is a Northern man on this floor willing to aid and abet a plot like this, by extending the Missouri compromise two hundred miles, by giving to Texas (the key of the whole plan) more than *fifty thousand square miles of free territory*, and ten millions in money, and by taxing his own constituents?

Sir, if there is any Northern man for a scheme like this, for trampling on the rights of the North like this, let the people understand it, let the press proclaim it; let the world know who are ready to offer up the freedom of New Mexico as a sacrifice to the power of bondage.

THERE IS NO NECESSITY FOR THIS LAW.

All the hue and cry about the necessity for this law is got up—it is manufactured by Texas bondholders; it is stage effect—there is no reality in it. It is trumped far and wide, that Texas is raising forces to invade New-Mexico. Sir, I believe this to be without foundation from beginning to end. New Mexico, as was supposed by the Governor of Texas, was about to organize into a State, had established her line below the thirty-second degree, and he called the Legislature of his State together to consider the boundary question between her and New Mexico; perhaps to issue a new edition of customary threats, and to occupy an apparent hostile attitude. This is the sum and substance of the whole matter. But so it has ever been—slavery has made the world ring with its threats, its bravadoes, and its blusters, and doughfaceism has always yielded to fancied necessity, to manufactured emergency, and granted to the aristocracy of slavery all its demands.

The old stale stories about a dissolution of the Union are revamped to order, and lo! we see signs in the heavens at once. We are to buy a peace, by granting all slavery asks—yes, ten times as much as it ever thought of asking when we first came together.

Sir, the uneasy consciences of some seem to seek a vent through a constant whisper about the House that the country this bill cedes to slavery is poor—a poor country. This excuse will not do. I deny the fact stated. But suppose it be true: New England is the poorest soil in America. Should it, therefore, be a slave country? Those who desire to pass this bill seem to have a facility to make a country good or bad at pleasure. They transform mountains into plains, and plains into deserts, with the ease the chameleon changes its color, or the snake its skin. It is easy to say, in debate, that a new country is a poor country. I remember some of the old geographies described the western prairies (the richest part of the continent) as immense plains or deserts, destitute of timber, and nearly or quite uninhabitable. I have some facts in regard to this country. Le Grande, who traversed and explored this region in 1833, says: "This country is naturally fertile, well wooded, and with a fair proportion of water."

Humboldt says—vol. 3, page 260—"It is a fertile territory, and contained, in 1803, about forty thousand inhabitants."

Let us look for a moment at the history of our connection with Texas. In 1846 we took her into this Union—a weak, feeble people, maintaining a doubtful independence—not as many, sir, in numbers, by at least ten thousand, as I represent on this floor. We gave to them two Representatives in this Hall, and two Senators in the other wing of the Capitol. We did for them what we have done for no other State—gave to them all their public lands, amounting to at least a hundred millions of acres. By the express terms of the annexation, we refused to receive them except upon condition the United States should never be liable for the payment of the debts of the State.

Resolution—: "In no event are said debts and liabilities to be a burden or charge upon the Government of the United States."

As a consequence of annexation, we were involved in a war that cost thirty thousand lives and a hundred and fifty millions of dollars. As the result of the war, we acquired, by treaty, a large extent of territory, and among it the very territory this bill cedes to Texas. Indeed, the very mover of this bill, if I rightly remember, stated in his place, that Texas had no shadow of claim to any part of New Mexico. Yes, sir, this bill not only grants this extent of *free territory to Texas*, but actually pays her ten millions besides; and all the pretence for it is, that the people thus annexed, thus treated, who have thus involved the nation, threaten resistance to the laws if the territory we have thus conquered is not surrendered to them; if the freedom that exists there now is not abandoned to the curse of slavery.

I am for peace, I am for just and honorable peace—am for the equitable settlement of all disputes, at all times, and under all circumstances. But when arrogance like this—when injustice and ingratitude like this, is offered to the people of this country—when resistance to the execution of the laws is threatened, and the just rights of the people of New Mexico are assailed; for one I would offer no bribe to the actors in such treasonable projects, no bounty to such insubordination. Such was not the treatment that President Jackson gave to nullification—such is not the treatment that is wise, or that is recommended by the present Executive.

We have duties to perform, not only to the present, but to the future; not only to the quiet of the present hour, but to that national honor and integrity that is the only guarantee of peace hereafter. The harmony that is secured at the expense of right and justice, of the liberties of any part of the country, is a peace more dangerous than a thousand vaunting threats of Texas. Pursue the course marked out by this bill, and what is government worth? It is but the prey of every band of malcontents; the subject of every plot; the object of plunder to every rebel league that can cry out danger, danger, and threaten the violence of arms. Under such a system no man is safe in his life, liberty, or property. What is government to-day, is chaos to-morrow. This bill, sir, under the circumstances in which it appears, is little else than an open bid for treason in all time to come.

I am the particular, to show the nature of the case before us, not that there is the least difficulty to be apprehended. There is not now, and never [illegible] the least danger of even an attempt at disruption of the Union. Slavery can bluster, but it wants no war. "Liberty follows the sword." The South, with three millions of slaves ready to grasp at every chance of freedom, is the last country on earth that would seek a war. They have generally had a war of words, about once in so often, since we have been a Government, but it has ended there. Indeed, such a war has always been sufficient for their purposes. By such means slavery has been spread fourfold, and all the time against the real sentiment of a great majority of the American people.

There is not one question between Texas and New Mexico that has not arisen again and again in this country. It is a simple question of boundary. There is hardly a State in the Union that has not had such a question. Many of the States have the same questions now. Are we to pay ten millions every time two States dispute about their limits? Shall we pay tribute to determine whether a strip of country shall be in Indiana or Ohio, Massachusetts or Rhode Island? Was a proposition ever more absurd?

There is the most ample power for the settlement of all such questions vested in the departments of the Government, vested in Congress, and we ought to settle this question, settle it right; put the line of Texas where it belongs, not give her one inch that is not hers, nor take an inch from her, unless by purchase.

Where, then, is the necessity, or the right even, to surrender the public lands, and to tax the people on such a question as this? We have the same right to levy taxes to give ten millions to France, without a cause, as to Texas. Sir, I believe there is more evil covered by this bill than by any that has been presented since we were a Government; and I warn this House and the country against entertaining it for a moment.

This measure is offensive in all its influences. It is openly said out of doors that the ten millions proposed by it is to be the great power that is to pass it. I make no charges of this kind—I but state what everybody hears. The compromise bill gave forty thousand square miles more to freedom than this. It contained no provision for the payment of ten millions: it was defeated. Sir, in less than ten days this bill, with its ten millions for the Texas bondholders, and the stock jobbers in Texas debts, is knocking at our doors for immediate passage. And, sir, part of the public press, the public marts, the houses of the money changers, and their hirelings that hang around this Capitol, are made to resound with one voice in its favor—are impatient for the sacrifice. I trust they will be disappointed.

I now come to another part of the subject. We are told that this bill is an Administration measure. Sir, I deny, utterly deny, this charge, and I challenge the proof. The present Executive of this nation in favor of surrendering into everlasting bondage a country larger than his native State—a country capable of containing more population than New York! Sir, I deny it, and I read his own message in proof of that denial:

"If the CLAIM OF TITLE on the part of Texas appears to Congress TO BE WELL FOUNDED, in whole or in part, it is in the competency of Congress to offer her an indemnity for the surrender of that claim."

Here, sir, is the recommendation of the Executive, and the whole of it. Do the suggestions contained in this single sentence indicate, in the remotest degree, that President Fillmore entertains a favorable thought towards such a bill as this? His only suggestion is, that we may offer an indemnity to Texas for a "well-founded claim"—not for a pretended one, or for territory to which she has no claim at all, as is provided by this bill. I read further, from the same message, to show, and to show, as I think, conclusively, that the President well knew, when he wrote that message, that Texas had no claim to any part of the country granted by this bill:

"In the letter to the Governor of Texas, my reasons are given for believing that New Mexico is now a Territory of the United States, with the same extent and the same boundaries which belonged to it while in the actual possession of the Republic of Mexico, and before the late war. In the early part of that war, both California and New Mexico were conquered by the arms of the United States, and were in the military possession of the United States at the date of the treaty of peace.

"By that treaty, the title by conquest was confirmed, and these territories, provinces, or departments, separated from Mexico forever."

That every inch of country granted by this bill lying north of the old line of 32 degrees is a part of New Mexico, is too well known to admit of doubt or require proof. But the same message so regards it in express terms. It says:

"It is plain, therefore, on the face of those treaty stipulations, that all Mexicans established in Territories NORTH OR EAST of the line of demarkation, come within the protection of the 9th article."

Now, the "line of demarcation," by express terms, is the "southern boundary of New Mexico," and is at a point on the Rio Grande below the 32d degree. And still, sir, in the face of all this, certain gentlemen have arisen on this floor and affirmed this to be an Administration measure. Was anything ever more preposterous?

It is true the Executive is in favor of the settlement of this boundary; and who is not? I would do much to accomplish so desirable an object. I would act with liberality, but with justice, in its adjustment. The President has indicated to us terms of settlement, in his judgment, right and honorable. But, sir, as I have shown by his message, he regards every part of the country granted by this bill as now belonging to the United States. He is first pledged to the protection of New Mexico at all hazards, and in every contingency, and this is the great point of his communication. The rest is merely suggestive.

Now, sir, I agree with him, if we could accomplish so desirable an object as the settlement of this boundary by the purchase of any part Texas owns by "well-founded claim," we have the power to do so. And I agree, further, that the inducement to every lover of freedom to purchase out of slavery any part of our country would be great indeed. While such a course would be in harmony with every act of the past life of the Executive, the course charged upon him, as being a supporter of this bill, would libel his whole history. No, sir, there has been nothing in his course that justifies this charge, and there is nothing in his heart to verify the truth of the accusation.

As much as I am in favor of the settlement of this boundary question, I am only in favor of it upon just and fair principles. I shall act under the influence of no manufactured bluster or imaginary dangers. I shall only act in such a way as I believe will redound to the benefit of freedom—not of slavery; as shall be strength and security to liberty—not to bondage. While the advocates of this bill would even tax their constituents to enlarge the area and increase the power of slavery, I would tax, if tax at all, to enlarge the bounds and swell the power of freedom—to limit the extent and weaken the influence of servitude. While they would, under the specious cry of peace and concord, enlarge a slave State more than *fifty thousand square miles*, and pay for the support of slavery ten millions of dollars, I would lay the foundation of enduring peace and harmony by the golden rule of justice, exact justice, in the settlement of the limits of Texas. If I would pay anything, I would pay it to buy the soil of bondage—to break the chains of the bondman. And this, sir, would be acting in harmony with the spirit of the Executive recommendation before us.

I repel the charge that this bill is an Administration measure, for another reason. It assumes, in the most odious form, *the payment of State debts*—revivifies that old exploded doctrine in all its fearful strength and power. Sir, there is not a member of the Administration who ever held, for a moment, to that dangerous faith. Pay the debts of Texas! Why, she came into the Union upon the express condition, that this Government should never become liable for the payment of her debts. She retained her public lands for that very purpose. And what has she done, since she came into the Union, that my constituents are to be taxed for her benefit? Is she so entitled to the gratitude of this nation, over all the rest of the States, that the tax-gatherer is to be sent among us to foster her interests and her "peculiar institution"—to give to her the means for a further exhibition of insubordination and resistance to the laws? Sir, no man can point to a letter or line of the President encouraging such an idea.

This bill is, in the broadest sense, of the character I have been stating. Extract of the bill:

"The following propositions shall be, and the same hereby are, offered to the State of Texas." (The first and second offer is as to boundary and territory.)

"Third. The State of Texas relinquishes all claim upon the United States for liability for the debts of Texas," &c.

"Fourth. The United States, in consideration of * * * and relinquishment of claims, will pay to the State of Texas the sum of ten millions."

Here, then, is the assumption of the debts of Texas that we positively refused to pay at the time of annexation.

The creditors of Texas have no claims on us. When men deal with nations, they deal subject to all the contingencies of nations. It might as well be said we incurred the moral obligation to pay the debts of France by the purchase of Louisiana, whereby we greatly diminished her resources and means of payment. We gave much more to the creditors of Texas by the alliance with her than we took away. Her annexation put her vast domain, pledged as their security, under the protection of a strong and stable Government. We only took away her duties on imports, which, if she had not been a free-trade Government, (as she surely would have been,) would never have one-half supported her army and her navy; would not to this day have defended her frontier. What security, then, did we take away? The answer is plain—we took none at all. We now give to her an army to defend her borders, and a navy for her seaboard. In short, she costs the Government more than a million a year, and her gross income from customs would have been, at most, not more than two hundred and fifty thousand dollars. Thus stands the amount in equity. Now, sir, in the face of these facts, let gentlemen vote to tax their constituents for the benefit of stock-jobbers in Texas debts, if they will; I will not.

Though I would be far, very far from maintaining the doctrine of paying State debts in any case, but if gentlemen are determined this Government shall pay the debts of the States, let them begin with the debts that have originated in public works beneficial to the country. New York has a debt of something over twenty millions that arose almost entirely from the construction of her public works, her Erie canal and other magnificent works of internal improvement—works that enrich every farmer in the northwestern valley of the Mississippi, that add to the price of every bushel of wheat raised in the old northwest territory. Though, sir, I would oppose the national assumption of this debt to the utmost, if gentlemen are so flippant with ten millions for Texas, I hope at least they will give some reason why they should not pay all the debts of the States—pay at least the debts of higher merit than those they propose to pay.

The nation owes a debt now of about seventy millions. Our expenditures for the current year will exceed our income, according to the estimate of the Secretary of the Treasury, by at least fifteen millions. There has not been a dollar laid out upon the *harbors of our lakes*, or to improve the navigation of our rivers for years. Our inland commerce is at the mercy of the winds and the waves. Our vessels are lost on *shoals*, bars, and snags. *The lives of our* [illegible] without the ordinary safeguards we ought to afford. Not a dollar is yet appropriated to all these wants, and still some of the members of this House, even some of the Northern members, seem ready to respond to the first word of Texas, with an offer to incur a further debt of ten millions, to appease her dreadful anger, or rather to choke off her bondholders from around the halls of legislation.

Sir, we are told the President has no power to use the army and navy to put down resistance to the laws—to prevent Texas from invading one of the Territories of the United States. This doctrine has been most strenuously urged by several Southern members. The Constitution on this subject, is as follows:

"The Executive power shall be vested in the President of the United States."

* * * * * * *

"The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States."

In 1795 Congress passed a law to carry out the Constitution, from which the following is an extract:

"SEC. 2. *And be it further enacted*, That whenever the laws of the United States shall be OPPOSED, or the execution thereof obstructed, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, * * * it shall be lawful for the President of the United States to call forth the militia of such State to suppress such COMBINATIONS, and to cause the LAWS TO BE DULY EXECUTED."

In 1807 a law was passed amending the act of 1795, *so as to include the* army and navy, as well as the militia of the States, and so as to bring the Territories under its operation.

Under the Constitution and these laws, the President says:

"The grave and important question now arises