rejection. She will have nothing to do with the slavery question. There is nothing in her constitution about slavery, because she did not wish to have it impede her admission into the Union; but if the territorial measures are to be added, and those measures are to have the question of slavery mixed up with them, then we shall have a question brought up by which the whole admission of California, after being delayed for such a length of time, may be lost in disagreement between the two Houses. Sir, I cannot be driven off the track by hearing it urged that there is nothing in this proceeding injurious or derogatory to California. In my opinion it is both injurious and derogatory; injurious already in the delay it has created, dangerous in the conjunction which it may make of questions which may result in a disagreement between the two Houses, and by which she may be lost. We all remember the Oregon bill, and the contest between the two Houses on that bill.

The honorable Senator from Kentucky says that it may become necessary to introduce the previous question here. Whenever the Senate by resolve shall introduce the previous question here, though I shall struggle against the adoption of it, as I have done heretofore, to the utmost—for I go for full debate in this chamber—yet, whenever the Senate adopts the previous question, I shall submit to it; but until the Senate adopts it, I will resist its unauthorized and disguised execution upon this body. Sir, we now have it admitted that here is the previous question, in a different form from that which is known to the parliamentary law; that here is the previous question, intended to cut off all amendments; every thing in the world which the previous question contains, except the form and except the rule of the house which leads to it. It is now a bastard rule, surreptitiously introduced and attempted to be forced upon us by a declaration that the Senate will not pass upon any amendment. It is the previous question, sir, and it is most revolting, and if it were any body else than the eminent Senator from Kentucky who had proposed it, I should say that it was a most unparliamentary motion.

But, Mr. President, this committee is to go out for compromise. Now, what is a compromise, and how long are such things kept? What was the validity of the compromise made between the Senator from Kentucky and myself; how long was it inviolable? I offered a set of resolutions which I deemed good ones; the Senator from Kentucky got up and moved to have them amended by substituting another set. I did not think his equal to my own at all, but in a spirit of compromise, and as a compromise, I accepted them, and did what a compromiser ought to do, immediately give up his own. And yet what is the state of the case to-day? I thought then that the Senator from Kentucky was going to vote for his own amendment; I thought he was going to accept the compromise which he had made; and yet to-day, sir, he flies from that amendment, he does not stand to it; he objects to the whole of his own amendment, which I accepted the other evening in a spirit so conciliatory that it ought to have brought us all to harmonious conciliation. Now, sir, we are going to have another compromise, a plan of compromise with this experience of compromising before our eyes. I have no great faith in compromises at any time. There are compromises in the constitution; they are fundamental, they are permanent, they are obligatory; we are sworn to observe them, and those compromises I wish religiously to keep. But as for these, which seem to me like the compromises of lovers, made one evening to be broken the next morning—as for these compromises which I have referred to, really, after this experience—this, I would say, flagrant experience, in the face of the Senate, between myself and the Senator from Kentucky, I do think that the idea of bringing a compromise into this body ought to be abandoned altogether.

Mr. President, we ask the yeas and nays upon this motion; and if the Senator's resolution—for I can call it nothing but a resolution—for the guidance and conduct of the Senate shall be adopted, we shall immediately undertake to test it, and to see whether the rules in your book are not in force which allow Senators to offer instructions; and we are entitled to a vote upon this resolution, and which cannot be laid on the table without carrying the whole subject with it.

The yeas and nays having been ordered on the amendment of the Senator from Kentucky—

Mr. DOUGLAS said: I feel inclined to vote for the amendment of the Senator from Kentucky, and I will very briefly give my reasons for that vote. My object in resisting the appointment of the select committee was to get at the practical question of the admission of California into the Union. A majority of the Senate has on three different occasions, by the yeas and nays, declared that the Senate is in favor of the appointment of a committee. We are authorized to infer from these three test votes, that that majority is determined to appoint this committee. Sir, if they are determined upon it, they have a right to the appointment of a committee. I hold that, if I occupy the position of making factious opposition to the majority of this body, I give a license to a factious opposition from the other side, in the manner that has been threatened, in order to keep California out of the Union. I will do no act, here or elsewhere, that shall be a precedent, that shall be a license to an opposition under the rules of the body, but which can only have the effect to occasion delay by thwarting the majority. I will sanction no course of proceedings which may give that license when California shall be put upon her passage. For this reason, I feel disposed to vote for the amendment offered by the Senator from Kentucky, and on the ground avowed by him; that is, to cut off all amendments and let this matter go to a committee, if there is a majority to send it there, for them to act according to their discretion. When they come to report, there will be a vote taken on these proposition as a whole, if it shall be one, or upon their several propositions, if there shall be more than one. Those who think it wise to separate the measures will have an opportunity then of testing that course, by the yeas and nays, in this body, and they will then have an opportunity of recording their own opinions upon the record. I deprecate this course. I would prefer the consideration of the California State bill at once, and let the motion to unite be made here in the Senate; but, if I cannot have my own way, I will not delay the Senate by preventing the majority from having theirs. I shall vote to cut off all these amendments, in order that the committee may be appointed at once, if it is to be appointed at all. And, sir, the remarks of the Senator from Missouri have relieved my doubt upon this point, when he informed us that there was reason to suppose that this matter was all cut and dried, and arranged; that the committee had been formed, that the measures had been agreed upon, that the whole matter had been arranged, and that it is but a farce to go out, and bring in the verdict. If that be true, it will take but a very short time to get through with the farce, and I would rather laugh at the farce than wrangle and quarrel, and make it a tragedy instead of a farce. The objection urged by the Senator from Missouri has convinced me upon this point—that we had better submit to the farce, allow them to go out, and to come in. This is not my opinion, but I have come to this conclusion simply in order to save time, and to get at the practical question. I see no use in prolonging this controversy, against the express will of the majority of the Senate. I speak for myself, and for no one else. I felt it due to myself to express my own opinion, in order to put myself before the country in the light in which I wish to stand before my own constituents.

Mr. WEBSTER. I merely wish to suggest, sir, what I conceive to be an irregularity in the motion of the honorable Senator from Kentucky, (though he is as competent to judge of the order or irregularity of a proceeding as any gentleman in the country.) I care not, sir, how this motion to raise a committee be decided. I have no interest in it, because I I am inclined to think that no great benefit can now be derived from it; but I must say that I do not think that the motion of the honorable member from Kentucky is in order. I do not think that it is a motion that can be received and entertained by the Chair; because I think it is the direct reversal of one of the standing rules of the Senate. Any proposition may be made——

Mr. FOOTE. The honorable Senator from Massachusetts, I know, is not aware that this is *res judicata*.

The VICE PRESIDENT. Does the Senator from Mississippi rise to a point of order?

Mr. FOOTE. I do sir. I know that the Senator from Massachusetts was not in the house at the time, and I am sure he would not pursue the present course of discussion if he knew that this point had been decided by the Chair already.

Mr. WEBSTER. I did not so understand it.

Mr. FOOTE. The point of order was raised, and the Chair decided that the motion was in order.

Mr. WEBSTER. I suppose, if the amendment is in order, I may give my reasons for voting for it or against it; if it is not in order, I shall not say any thing about it. The rule of the Senate is, that the proposition under consideration may be amended. Now, suppose that this were a bill, could it contain a proposition that it should not be subject to amendment? Or could any gentleman move, as an amendment to it, that this bill shall be carried through the Senate without any proposition to amend? I apprehend that he could not; and I submit to the honorable member from Kentucky whether his motion is strictly in order? If I understand his resolution, it expresses the opinion that we ought to go clear of all propositions to amend. Is that the sentiment that will be expressed in the amendment if we adopt it?

Mr. CLAY. I do not wish to interrupt the Senator, but here is a proposition to raise a committee of thirteen, and to refer to that committee of thirteen certain subjects. Very well. The Senator from Missouri proposes to do what? To impose certain restrictions upon that committee. Well, what is my proposition? The negative of his, accompanied by a declaration that we do not wish to give any instructions to the committee, and especially not those proposed by the Senator from Missouri. We have the right to vote these amendments down one by one: my proposition amounts to the same thing. The original motion is to raise a committee and refer certain subjects to it. The amendment is to restrict that committee. My proposition is that we will not adopt the restrictions proposed, or any other, but leave the committee free and untrammelled.

Mr. WEBSTER. The Senator from Kentucky will excuse me if I doubt the propriety of his motion. I suppose it will not be in order, if this resolution is passed, to have any further amendments. I very much doubt whether such a motion should be received by the Chair. I doubt whether it is not a question for the Senate to decide whether any amendments that may be proposed shall be adopted. It is my opinion that it is.

Mr. CLAY. There have been some seventeen resolutions proposed by the Senator from Tennessee and myself to the Senate. The Senate has expressed no opinion upon any one of them. And, sir, what has been proposed by my amendment? Why, it is that all these matters shall be referred to the select committee—the Senate refusing to express any opinion upon any one of them—giving no instructions for the guidance of that committee. Is there any impracticability in pursuing such a course? The Senate has expressed no opinion, and no one has expressed any opinion, except in speeches, upon the resolutions that have been under our consideration. There has been no deliberate expression of opinion in this body. The proposition is, to refer all of the subjects to a committee, and my amendment is, that I will not say to that committee beforehand how they are to act upon this or that subject. I think that this explanation ought to satisfy the Senate.

I have never said that, when all these subjects are sent to that committee, it will not be the duty of that committee to go into a consideration of all the questions at issue. Some topics they may connect together, and some they may report by separate bills or resolutions. All that I have said was, that, for one, I would not desire a larger combination of measures than the question of governments for the Territories of Utah and New Mexico, and the admission of California, and, possibly, the settlement of the boundary of Texas, in one bill; the other questions in separate bills. I trust that this view is not an impracticable one. If the Senate had expressed any opinion, as the Senator from New Hampshire seems to suppose, upon the various questions that are proposed to be referred to the committee, and it should now refuse to give that committee any instructions in regard to them, there might be some incompatibility in our proposed action; but the Senate has expressed no opinion upon any of the resolutions offered by the Senator from Tennessee or myself; and the simple question is, shall we refer all these matters in a body to this select committee, without any instruction to that committee as to how they shall act upon the several subjects thus referred to their consideration?

The question being put upon the amendment as modified, the yeas and nays were taken, and resulted as follows:

YEAS—Messrs. Atchison, Badger, Bell, Borland, Butler, Clay, Cass, Clemens, Davis, of Mississippi, Dickinson, Dodge, of Iowa, Douglas, Downs, Foote, Hunter, Jones, King, Mangum, Mason, Morton, Pearce, Rusk, Sebastian, Soule, Spruance, Sturgeon, Turney, Underwood, Yulee—29.

NAYS—Messrs. Baldwin, Benton, Bradbury, Bright, Chase, Clarke, Corwin, Davis, of Massachusetts, Dayton, Dodge, of Wisconsin, Felch, Greene, Hale, Hamlin, Miller, Norris, Phelps, Seward, Shields, Smith, Walker, Whitcomb—22.

So the amendment to the amendment was adopted, and then, the amendment, as amended, was adopted.

Mr. HAMLIN. I suppose it will now be in order to move to amend the original motion?

The VICE PRESIDENT. It is in order.

The proposed amendment was again read.

Mr. CLAY. I believe, sir, that is the precise proposition that was made the other day by the Senator from Missouri, and which was voted down.

Mr. HAMLIN. If the gentleman had waited for a moment I would have explained the reason why I offer this amendment. It is true that another proposition, similar to this, but embracing a larger number and greater variety of questions, was submitted a few days since, and it was voted down. The motion of the Senator from Mississippi now is less extensive than it was then, consequently the vote of the Senate to connect or dissever the questions then, cannot be considered tantamount to a vote to exclude a portion of them now; although I have myself no doubt that the action of the Senate will be the same now as it was then. It is my intention, and it is also, I believe, the intention of my colleague, to vote for no Territorial bill that does not contain an express prohibition of slavery. We have been instructed by the Legislature of our State to that effect, and those instructions accord fully with our own views. Well, sir, being so instructed, and cordially approving of those instructions, I desire to present this proposition to the Senate, so that I may exhibit the evidence of my willingness to carry out that doctrine in good faith; and to vote for no measure by indirection which shall cover up a subsequent vote, and thus relieve me from those instructions. Therefore, I ask that I may have the privilege now of voting to dissever them, so that if they should be connected by the committee, as I suppose we all understand they are to be, that then, when I am compelled to vote against the admission of California, on account of its being connected with other questions, if that contingency should arise, this amendment will show my desire to disconnect them.

Mr. CLAY. The motion made the other day is precisely that which is now offered. It is in these words:

"But nothing in the resolution shall be construed to authorize the said committee to take into consideration any thing that relates to the admission of California into the Union."

That is the resolution that was voted down.

Mr. HAMLIN. I do not desire to offer any other reason than I have already offered, except to say that, upon the proposition then pending, no committee was then raised, and nothing grew out of it. There was an expression of the opinion of the Senate, it is true; but under that motion no committee was raised, and the motion was subsequently withdrawn. If, under the present motion, a committee is to be raised, as I doubt not there will be, I desire to record my vote in favor of a separation of the subjects.

Mr. CASS. Mr. President, I would suggest to the honorable Senator from Maine, whether he would not attain his object in a better manner by awaiting the report of the committee, and then by moving to separate California from the other subjects, should it be associated in the same bill with any other? The Senator desires that his position should not be misunderstood, and therefore wishes to have a vote now upon this question. As to the appointment of a committee, there is no danger of misunderstanding, because he has announced his objection to the measure, and will record his vote against it. He is presupposing that the committee will unite various subjects in the same bill, and wishes in advance in effect to pronounce upon it. This interpretation may not be correct. There may be no such reason, and in that event this measure would be wholly unnecessary. It would be a mere work of supererogation. If, on the contrary, the union should take place, it will then be as competent for the Senator to move a separation, as it is now to move a prohibition against it. The subject will be just as much in our power then as now, and it will be much more proper to act in that case, for we shall then be dealing with existing facts, and not with imaginary ones.

And this same error, as to the course of the committee, seems to pervade all our discussions upon this subject. It is assumed that, because different subjects are to be referred to this committee, they must therefore be included in the same bills, and the one, therefore, made dependant upon the other; and this assumption, made it appears to me without the least authority, is then urged as a decisive argument against this proposition of reference.

In the first place, sir, no one has a right to assume that such will be the case, and to make this bare assumption a ground of opposition to the proceeding. I agree with the distinguished Senator from Kentucky that no committee would thus unite all the questions referred to it. I consider such a course out of the question; so much so as not to furnish, even to the most cautious, a reason for voting against this measure. I go further, sir. I do not believe that there will be any further union of subjects in the same bill than the junction of the admission of California with the governments of the Territories; and I see a great fitness in that. But, sir, should the committee go further, and include more topics, what effect will that have? Just none at all, in opposition to the will of the majority.

Gentlemen seem to suppose that the report of the committee is to be like the laws of the Medes and Persians, not subject to any alteration or amendment whatever. And the Senator from Maine evidently acts upon the same supposition when he makes his motion beforehand to guard against a particular course of action on the part of the committee which he happens to disapprove. And permit me here to remark that a great deal has been said about an understanding among Senators—a caucus of the leading members of this body, and much more of the same sort. This is certainly making a great matter out of a very small one. It is of little consequence whether there has been any caucus or not, or whether there be in reality such an understanding or not. I will say, however, that I have heard of no caucus, and know of no understanding upon the subject. If there be any such, I am utterly ignorant of it. And I repeat, it is a small matter to be placed so prominently before the Senate and the country—to talk so earnestly about caucuses and about leaders. I know nothing of either. I, for myself, am as little disposed to lead as I trust I am to be led.

Now, here is a proposition to refer to a committee a grand subject, affecting the very existence of the Confederation; it is said to be unusual; but it must be remembered that the present condition of the country is unusual also. There is a proposition to refer all the questions connected with this grave subject to a committee. Well, what is the objection that is urged against this reference? A good deal has been said about instructions to the committee, and about an effort to check debate. Now, it seems to me that no reasonable man, who has listened to the debate that has taken place to-day, can suppose that there is any disposition to check debate. If this debate has been checked, it would require a wiser man than I am to tell what would be a free debate, or to what length of time or topics its course would lead us. Senators have pursued their own course in their own way, and a more discursive debate I have never listened to. I have little apprehension that, here or elsewhere, any martyrs can be made to the great cause of free discussion by the proceedings of to-day. All such allusions are, to say the least of them, in very bad taste. And what is to be the practical disposition of the labors of the committee? The subjects will come back to us reported upon by the committee; the whole matter will be within the jurisdiction of the Senate, and any proposition to amend can then be made as well as now. Let the subject go to the committee, and let them make the best report they can; no man will be committed by the report, whatever it may be; we shall be pledged to nothing the committee may do. All that is proposed is, that, in the difficulties in which we find ourselves involved, a committee shall deliberate and ascertain if some practicable plan cannot be devised for the settlement of the agitating subjects which now distract the country. Can any reasonable man object to this course? I freely confess I cannot see how he can. I have listened to every word that has been said in the course of the debate, and my surprise has increased rather than diminished at the opposition which is exhibited. The proposition affords one hope the more for an accommodation of the differences that divide us. I said when this measure was first introduced, that my hopes of the advantages to be derived from it were by no means sanguine; and the course of proceeding in the Senate since that time has by no means increased my confidence in the result. I followed the honorable Senator from Kentucky in his declaration of similar views, as I am happy to follow him in his noble effort to preserve this Union, equally dear, I have no doubt, to him and me. But, whether my hopes or my apprehensions preponderate as to the effect of this measure, my course will be still the same. It may do good, and can do no harm. As I have said, it affords one chance the more of a happy termination of our troubles. If the committee make a report that will be satisfactory, we can adopt it, and rejoice heartily at the happy result. If they do not, we shall then be no worse off than we are now, and must proceed to look our difficulties in the face, and to apply the best remedy which may then be left to us; and in any event it will be a grateful reflection that we have taken this step, deemed so important by many members of this body, and so urgently demanded by a large portion of the Union. And this consideration, were there no other, is decisive with me for supporting the proposition. It is indeed a small, a very small matter, to yield in a spirit of conciliation; but it seems to be opposed with as much sternness of purpose, as if a sacrifice of the dearest interests of the country were demanded. I sympathize, sir, with no such feeling, nor indeed do I understand it. North or South, East or West, when great sectional questions are involved, if I could not yield the principle at issue, certainly I would yield much as to the mode of its consideration, and as to the process of adjustment. In no country under heaven is such a spirit more required than this, and if it prevailed more extensively I should anticipate, with more confidence than I now do, not merely the speedy settlement of the questions in dispute, but the restoration of those fraternal feelings without which, though there may be a political union, there can be no union of affection. It seems to be distinctly understood that the discussion of the subject of the admission of California is to go on, notwithstanding the reference to this committee, and before the discussion can be terminated under any circumstances, to judge by the progress made, the report will be received, and we shall then have made some progress towards a solution of our difficulties; we shall have done something, much indeed, I trust, towards the admission of California and the establishment of the necessary Territorial governments.

I repeat what I have before said, that I consider the admission of California as certain as any event which has not yet happened, unless prevented by some process or machinery of legislation in the other House, such as has been alluded to here and elsewhere. I trust, however, that no such measures will be resorted to. I should consider it a course of action greatly to be deprecated. All we have to do is to permit the committee to consult and bring back a report. A good deal has been said about compromises, as though, by the appointment of this committee, we were proposing to surrender some great principle lying at the foundation of our Government. Indeed one might suppose, from the temper and earnestness displayed, that our whole social and political system was to be put to hazard by this very harmless attempt to adjust our troubles by a compromise committee. And such are our fears of this terrible word, that we have actually struck it out of the resolutions, where it had been very properly introduced, and made ourselves safe behind the shelter of its substitute, *adjustment*. Why, sir, neither the word nor the thing is so very terrible. This world is a world of compromise From the cradle to the grave human life is full of compromises. A man gives up some portion of his natural rights to secure the remainder; and from the beginning to the end of his years the same principle marks his progress. He who stands upon his position with rigid inflexibility, and expects the world to bow before him, will soon find by experience how much he has deceived himself. In the operations of all Governments there must be compromises. I suppose there never was a law passed which precisely met the views, in all particulars, of every one taking part in legislation. Each can see something which, in his opinion, might be improved, but each has to surrender something TO COMPROMISE, in order to attain the object in view. What mutual concessions are to be made to lead to a compromise in any given case is a practical question, to be determined by the circumstances. I suppose no one dreams of the cession of any of the questions connected with the application of California. With the views I entertain, and have expressed upon that subject, I can never consent to *compromise* away her rights. Such a measure is disavowed in all parts of this chamber. But measures far short of that, from the indications we have received, would afford satisfactory grounds for adjustment. Many who object to the admission of California, as an insulated proposition, have avowed their willingness to abandon their opposition, if that measure is connected to a bill for the government of the Territories. Is that a compromise which involves any surrender of principle, or, indeed, of expediency? Is it not a small peace offering upon the altar of our country, if it is followed by the restoration of peace and harmony? As has been well remarked by the distinguished Senator from Kentucky, it will be fulfilling an obligation we have solemnly taken; it will give equally to the people acquired by the same treaty the governments suited to their condition.

It is, in fact, no compromise, but the performance of a duty. It is doing precisely what we ought to do, and what we have engaged to do. If the opposition to California can be removed by such an act—compromise, if you please to call it—and that State brought into the Union more easily and more speedily, as I believe it can, I am in favor of it; as I should be opposed to it, were that great great measure put to hazard. And I hold myself as free to act after the report of the committee as I am now—under no obligation, however slight, to accept it, unless I think it just and reasonable. And I am well satisfied that we shall secure the admission of California much sooner by this process than by any other, especially by endless opposition and endless discussion, of which this day has had its full share, as has many a day before, and as will many a day hereafter, if the same spirit prevails; and while we are thus talking about delay in the admission of California, that very delay is produced more by this cause than by all other causes put together.

I am opposed to any instructions, for a most obvious reason. Would you make a farce of what should be a solemn measure? If you select thirteen members of this body as a committee of reference, have you not confidence enough in them to trust something to their discretion? If you have not, you had better abandon the project. Cannot you trust them to talk over this whole matter, and to tell you what they think of it, without fettering their thoughts and their tongues, and saying omit this and that subject, for we cannot trust you even to offer us an opinion upon it? Why, sir, no honorable man would serve upon such a committee, purporting to be organized for a great national purpose, and responsible in the eyes of the country for its proceedings and its recommendations, but divested of all means of effecting any valuable object, and rendered impotent by the very act of its creation. I am willing to have the opinion of any thirteen members of this Senate upon this whole subject, and then I shall be as free as I am willing to consider their report in a spirit of respect, and to adopt just as much of it as I think the public interest requires. In the mean time, and while the committee is deliberating, I shall vote with the distinguished Senator from Kentucky for proceeding with the discussion respecting the admission of California, and making all the progress we can.

Mr. BENTON. The amendment proposed by the Senator from Maine is now pending.

The VICE PRESIDENT. The Chair has been making inquiry, and now learns that this amendment was submitted to the original motion first, and that it was withdrawn, and was appended by the Senator to the motion now pending. The Chair, in comparing the amendments, finds a verbal difference.

Mr. BENTON. Then the Chair decides that the amendment of the Senator from Maine is not now pending before the Senate?

The VICE PRESIDENT. The Chair understands that after the present motion to refer the resolutions of the Senator from Tennessee and those of the Senator from Kentucky to a select committee, that then the Senator from Missouri submitted to that motion the following amendment:

"But nothing in these resolutions shall be construed to authorize the said committee to take into consideration any thing which relates to the admission of California into the Union."

And the vote was taken on it, and it was rejected; and now the Senator submits the following:

"Except so much as relates to the admission of California as a State."

Mr. HAMLIN. There are certain resolutions to accompany this resolution of the Senator from Mississippi to the select committee. My amendment is simply to prevent a part of these resolutions from going to that committee, leaving the rest of the resolutions to go to it. The other amendment was that the whole of the resolutions should go, but that they should not act upon them. I think there is a difference in the two propositions. I proposed to keep from that committee a certain portion of the resolutions proposed to be submitted by the Senator from Mississippi. The amendment offered by the Senator from Missouri did not propose to withhold any of the resolutions, but to instruct the committee how to act after they had got there.

The VICE PRESIDENT. The Chair reads the first amendment, in the following words:

"But nothing in this resolution shall be construed to authorize the said committee to take into consideration any thing which relates to the admission of California as a State into the Union."

The present amendment is to except from the reference so much of the same as relates to the admission of California as a State. The only difference is that in the one case they are proposed to be referred to the committee with instructions, and in the other without.

Mr. FOOTE. Certainly; the action of the committee must be the same in both cases. I now understand the question to be decided by the Chair.

The VICE PRESIDENT. The Chair thinks it is a proper question for the Senate to decide.

Mr. BENTON. Then I understand that the amendment is pending, and I offer as an amendment to the amendment the fourteen points of instruction; and I shall ask the vote of the Senate and the yeas and nays upon each of these fourteen points; and I will see whether or not the previous question is in force here yet.

The VICE PRESIDENT. The Senator from Missouri moves to amend the amendment by adding thereto the following:

1. With instructions, that in any bill, scheme, or other measure or measures they may report, they shall not connect the admission of the State of California with any other proposed legislation which shall require the assent of any other State to its completion.

2. That they shall not connect the admission of the State of California with any measure which is connected with a question of boundary or other controversy with any other State.

3. That they shall not connect the admission of the State of California with any other measure of less dignity than the reception and admission of a sovereign State to be a new and entire member of this Union.

4. That they shall not make California a party to, or in any way include or connect her with, any provision in the nature or intent of a compact relating to slavery, or to any slave State or slave Territory, other than the compacts of the constitution.

5. That they shall not make California a party to, or in any way include or connect her with, any provision in the nature or intent of a compact of any description, other than the compacts of the constitution, and those compacts relating to the domain which have been heretofore required of new States formed out of the Territory of the United States.

6. That they shall not report any measure proposing any alteration in the boundaries of the State of California.

7. That they shall not make the State of California a party to, or in any way connected with, or the question of her admission in any way connected with or dependant on, any provision in the nature of a compact which has not been required of either of the following named States: Ohio, Indiana, Illinois, Michigan, Louisiana, Mississippi, Alabama, Arkansas, Missouri, Iowa, Wisconsin, and Florida.

8. That they shall not make a party to, or in any manner bind to, include in, or connect with, any provision having the character or intent of a compact, any State, or people having the political organization of a State, not represented in this body.

9. That they shall not connect the admission of the State of California with any matter foreign to the admission of that State in a direct manner, on a precisely equal footing with the original States, and unincumbered with any other conditions, responsibilities, or considerations.

Mr. BENTON. There were five others offered before these, which I wish would take precedence of them.

They were read as follows:

Provided, That nothing in this instruction shall be construed to authorize the said committee to take into consideration any thing that relates to either of the four following subjects:

1. The abolition of slavery within the States.
2. The suppression of the slave trade between the States.
3. The abolition of slavery within the forts, arsenals, dockyards, and navy yards of the United States.
4. Abolition of slavery within the District of Columbia.

And provided further, That said committee shall not take into consideration any question in relation to the subject of domestic slavery in the United States, which shall not be specially refered to it by order of the Senate.

Mr. DICKINSON. I understood the Chair to decide that it is a question for the Senate to determine whether the amendment now proposed by the Senator from Maine is not the same in substance as that offered by the Senator from Missouri.

The VICE PRESIDENT. The Chair decided that it was not so identical as to make it the same.

Mr. DICKINSON. I understood that the Chair was going to submit the question to the Senate?

Mr. UNDERWOOD. This, if I understand it, is a proposition by the Senator from Missouri to amend a proposition submitted by the Senator from Maine. The Chair doubts as to the point of order in reference the proposition submitted by the Senator from Maine, but I wish the decision of the Chair upon the point of order embraced in the proposition offered by the gentleman from Missouri. Now, we have just adopted a resolution that we will not instruct the committee. The resolution, or rather amendment, proposed by the Senator from Maine, does not propose to send any instructions to the committee, but is an exception of a portion of the subject to be committed. It seems to me, however, that the amendment of the Senator from Missouri contemplates an instruction as to what the committee shall and what it shall not do; and it therefore presents itself to my mind, so far as they propose to direct the committee that it shall or shall not do such and such a thing, it is in violation of the amendment of my colleague, which has already been decided, and therefore not in order, although the proposition of the gentleman from Maine may be in order.

While I am up, permit me to make one or two other remarks. I must say that I concur entirely with the remarks which have been made by the honorable Senator from Michigan on this subject. I think they were very seasonable, and hope they may have their due weight. I regret exceedingly that we should be here hour after hour, and day after day, discussing things of no importance; and I would submit to the honorable Senator from Missouri whether there can be any utility in proposing such instructions, or in taking the course he is now pursuing. Sir, would it do any good if I were to take up the constitution of the United States, and propose that the committee should not interfere with the establishment of religion in the country; that it should not interfere with liberty of speech; that it should not grant titles of nobility, or do any other of the hundreds of things which may be prohibited by the constitution, or by the whole tenor of our institutions. Certainly, sir, if a young member like myself, a gentleman unknown to fame, as humble and unpretending as I am, should do a thing of that sort, what little reputation I do possess would very soon be lost.

Now, sir, it seems to me that these general abstract propositions, although perfectly true, and although no one would gainsay one of them, we should not be alarmed at rejecting in this way. It does seem to me that if we ever intend to come to any practical result, we will allow the committee to go out as proposed by the Senator from Michigan, to give us the benefit of their consultations; and when they present the result of their labors before us, we can consult them, and we will get rid of all these abstract propositions, which the gentleman from Missouri must see are only calculated to embarrass the question it is so desirable should be settled.

Mr. President, I present the point of order. I think it is out of order to propose these points of instruction, when the Senate have already decided that they will not instruct the committee.

The VICE PRESIDENT. The amendment of the Senator from Missouri is objected to on the ground that it is an instruction to the committee, and therefore inconsistent with the resolution in relation to the instruction of the committee, which the Senate has adopted. The Chair is of opinion that the proposition presented by the honorable Senator from Missouri is in the nature of instructions to the committee, to except from their deliberations a certain subject. But the question that presents itself is, whether inconsistencies are questions of order. On the 169th page of the manual I find that:

"If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress, as if it were against order. For, were he permitted to draw questions of consistence within the vortex of order, he might usurp a negative on important modifications, and suppress, instead of subserving, the legislative will."

The Chair is of opinion that the amendment is in order, but it is for the Senate to decide.

Mr. CLAY. I rise to perform the painful duty of appealing from the decision of the Chair, and I ask the yeas and nays on the question. I do not mean to take up time. My opinion is, that when the Senate has decided that it will not do a given thing, it is out of order for that thing to be proposed to be done, and it is within the province of the Chair to decide it to be out of order. The question is, whether the Senate will maintain its power, whether it will maintain its dignity, whether it will maintain its consistency; and upon that ground I must take an appeal from the decision of the Chair.

Mr. BENTON. I believe that the amendment, as it is called, though it is nothing but a rule for the government of the conduct of the Senate, has not been adopted by the Senate.

The VICE PRESIDENT. The question is on the appeal.

Mr. BENTON. And now, Mr. President, I must recur to the main point, that here is an open attempt to enforce the previous question without any rule of the Senate, and to press the previous question against the rule. It is admitted that it is to cut off all amendments; it is admitted to be the previous question in a different form, and it is even treated as a factious attempt to arrest the enforcement of the previous question here; to cut off all amendments where there is no rule to authorize them. I am opposed to this course, and determined to resist it as long as the parliamentary law permits me. I understand that the Senate declines to give instructions to this committee; but I have a parliamentary right to offer them; and, when they are offered, there is no way to get rid of them but by a vote upon them. That is all. I have a right to offer them. The rules are not altered. The Senator from Kentucky has got a resolve adopted, but that cannot alter the rules of the Senate. They cannot be altered by a side move; they cannot be altered, pending a question, for the purpose of cutting off debate. Rules must be known, and they must be adopted beforehand; and if they are to be altered, there must be notice given that they are to be altered; and the process must be gone through in a regular manner. The rules of the Senate cannot be overturned; they cannot be obliterated; they cannot be expunged by a vote adopted in the progress of a case that the Senate will do a thing contrary to the existing rule. Sir, the motion of the honorable Senator from Kentucky, and which has been adopted, is a motion to overrule the rules of the Senate; to trample the rules of the Senate under foot for the purpose of stifling debate; for the purpose of cutting off amendments; and when we come to these amendments we will see whether or not they are abstractions, which have been made the root of all the agitation that has taken place in the United States. Sir, I intend by these amendments to cut at the root of all that agitation, and to cut up the whole address of the Southern members, by which the country was thrown into a flame. I mean to show that there was no foundation for any such thing; that is, I mean to offer a proposition upon which the votes will show that there has been a cry of "wolf," when there was no wolf; that the country has been alarmed without reason, and against reason; that there is no design in the Congress of the United States to encroach upon the rights of the South, nor to aggress upon the South, nor to oppress them upon the subject of their institutions. I propose, sir, to give the Senate an opportunity of showing that all this alarm has been without foundation; and I further propose to give to the people of the United States the highest declaration that can be given upon earth that they have been disturbed about nothing; and when we come to that part of the question, we will see whether they are abstractions or not; and, if these are abstractions, then the country has been alarmed about abstractions. In the mean time, Mr. President, I propose my amendments, and I ask that a separate vote may be taken upon each of the fourteen.

Mr. FOOTE. Mr. President, I think——

Mr. BUTLER. Will the Senator from Mississippi allow me to say one word?

Mr. FOOTE. Certainly; I yield with great pleasure to the honorable Senator from South Carolina.

Mr. BUTLER. I wish to say to the Senator from Missouri, that if he supposes that the Southern people are to be satisfied with votes upon truisms, or which all the country should regard as such, he is mistaken. He is equally mistaken, if he supposes votes of that kind are to be safety-valves for the dangerous and aggressive agitations of the North. Sir, the Senator must see as plainly as I do, that there is danger—that this thing has progressed to such lengths, that it will be but a feeble palliative to quiet it, to offer a resolution which merely declares that Congress has no right to interfere with slavery in the States; that the South and the whole county is in no danger, and that all the agitation is caused by the Southern address. He is mistaken if he supposes that this thing, which may reach further than he supposes, is to be cut up by the roots by votes of this kind. I may probably differ as to the extent of the danger, but this is not to be the safety-valve by which it is to be avoided. Gentlemen will not satisfy the South, I can assure them, by any such declarations.

Mr. FOOTE. The Senate will bear witness to the fact that I have endeavored to avoid discussion and controversy on this question. I have believed, and I yet believe, that the time has come when all true patriots should unite in the true spirit of fraternal conciliation and compromise for the settlement of these questions; and that they should feel it their bounden and imperious duty to do all in their power to quiet excitement, and save the republic from that danger which all of us do know has environed it for the last six or eight months. I repeat, that I did not come here this morning in the expectation of saying a word; and especially would I not be heard referring to any thing emanating from a certain quarter, after what has occurred here, but for what I conceive to be a direct attack upon myself and others with whom I am proud to stand associated. We all know the history of the Southern Address, and the world knows its history. It is the history of the action of a band of patriots, worthy of the highest laudation, and who will be held in veneration when their calumniators, no matter who they may be, will be objects of general loathing and contempt. Who is the author of the Southern Address? He is known to the world. The late illustrious Senator from South Carolina, whose decease a nation now mourns, and over whose untimely death every good man in all christian countries, at the present time, is now lamenting—he is the author, and the sole author of that Address. In our presence here to-day, in the hearing of the friends of that distinguished statesman associated with him in that holy work, that address is denounced with great appearance of deliberation, as fraught with mischief, and as having supplied food for the agitation and excitement which has involved our institutions in dangers from which they had to be rescued by the efforts of others hostile to the propositions of that address, and who did not participate in its preparation. Those who were associated with and sanctioned that address, are charged with being agitators. And by whom? With whom does such an accusation as this originate? I shall not be personal, after the lesson I have already received here. I intend to be, in a parliamentary sense, perfectly decorous in all things. But by whom is this extraordinary denunciation hurled against all those individuals who subscribed this address? By a gentleman long denominated the oldest member of the Senate—the father of the Senate. By a gentleman who, on a late occasion——

[Here Mr. FOOTE, who occupies a seat on the outer circle, in front of the Vice President's chair, retreated backwards down the aisle, towards the chair of the Vice President, with a pistol in his hand, Mr. BENTON, a moment before, having suddenly risen from his seat and advanced by the aisle, outside the bar, towards him, following him into the aisle down which the Senator from Mississippi had retreated. In a moment almost every Senator was on his feet, and calls to "order;" demands for the Sergeant-at-arms; requests that Senators would take their seats, from the Chair and from individual Senators, were repeatedly made. Mr. BENTON was followed and arrested by Mr. DODGE, of Wisconsin, and, in the confusion and excitement which prevailed, he was heard to exclaim, from time to time: "I have no pistols!" "Let him fire!" "Stand out of the way!" "I have no pistols!" "I disdain to carry arms!" "Stand out of the way, and let the assassin fire!" While making these exclamations, Mr. BENTON was brought back to his seat; but, breaking away from Mr. DODGE, of Wisconsin, who sought forcibly to detain him, he advanced again towards Mr. FOOTE, who stood near the Vice President's chair, on the right-hand side, surrounded by a number of Senators and others not members of the Senate. Mr. DICKINSON took the pistol from the hand of Mr. FOOTE, and locked it up in his desk, and Mr. FOOTE, on the advice of Mr. BUTLER, returned to his seat.]

The VICE PRESIDENT directed that Senators and spectators should be seated; and order was partially restored.

Mr. DICKINSON. Mr. President, what is the question before the Senate?

The VICE PRESIDENT. The question is on the appeal from the decision of the Chair.

Mr. DICKINSON. I should like to hear the question again stated, as I do not remember precisely what it was.

[There was still much confusion prevailing at this time in the Senate.]

Mr. CLAY. I hope that order will be preserved.

Mr. BENTON. We are not going to get off in this way. A pistol has been brought here to assassinate me. The scoundrel had no reason to think I was armed, for I carry nothing of the kind, sir.

Mr. FOOTE. I brought it here to defend myself.

Mr. BENTON. Nothing of the kind, sir. It is a false imputation. I carry nothing of the kind, and no assassin has a right to draw a pistol on me.

SEVERAL SENATORS. "Order, order."

Mr. BENTON. It is a mere pretext of the assassin. Will the Senate take notice of it, or shall I be forced to take notice of it, by going and getting a weapon myself. A pistol has been brought here and drawn upon me by an assassin.

The VICE PRESIDENT. Senators will be seated.

Mr. FOOTE. Mr. President——

The VICE PRESIDENT. Senators will be pleased to suspend their remarks until order is restored. Senators are requested to be seated.

Mr. CLAY. Mr. President——

The VICE PRESIDENT. Business cannot proceed until order is restored.

Mr. HALE. I hope order will be kept in the galleries.

The VICE PRESIDENT. There is too much noise in the galleries. Quiet and order must be restored.

Mr. FOOTE. May I proceed in order?

Mr. BENTON. I demand that the Senate shall take immediate cognizance of the fact of this pistol having been brought here to assassinate me, under the villanous pretext that I was armed—the pretext of every assassin who undertakes to constitute a case of self-defence when laying out the death of his victim. Will the Senate notice it, or shall I myself, for it shall not pass. I will not be satisfied here.

Mr. FOOTE. If my presenting a pistol here has been understood as any thing except the necessary means of self-defence, after threats of personal chastisement, it is doing me a wrong. I saw him advancing towards me, and I took it for granted he was armed; for had I thought otherwise I should have stopped to meet him in that narrow alley. But I supposed that he was armed, and therefore I determined to take ground where I could meet him more fairly, and I drew out the pistol and was ready to fire it in self-defence. I have never sought any man's life, nor gone in quest of any man with a view of taking his life. No, sir, never. My life has been a defensive one from my boyhood. I mention it, not from the imputations that have been thrown out here, but that all the Senators present and the American public, who may hear of this thing, may be witnesses of the fact, that whilst I was making a perfectly parliamentary speech, threatening language was used, menacing gestures indulged in, and an advance made towards me, with the view, as I supposed, of putting violent designs into effect. I therefore, retreated a few steps, with a view to get elbow room to act in my own defence, and not to shoot him. So help me God, such alone was my intention.

Mr. President, I suppose I may now proceed in order.

The VICE PRESIDENT. The Senator will suspend his remarks for a moment.

Mr. HALE. I have sat here supposing that some older Senator than myself——

Mr. FOOTE. I have the floor.

Mr. HALE. I rise to a privileged question; not to make a motion, but to ask the Senate whether it is not due to itself that this subject should be investigated?

Mr. FOOTE. I court it.

Mr. HALE. I have merely suggested that some such action should be taken. God knows that it is the last duty I desire to perform—among, as I am, the very youngest men on this floor—to make any motion; but I should feel that I was unworthy of a seat on this floor if I tacitly allowed a transaction of this kind to occur here, and go without the investigation of a committee of this body; and I think the Senate owes it to itself to proceed instanter towards such a step. Having made the suggestion, I leave it to older, wiser, and sager heads than my own to make the motion, though, if nobody else does, I will do it myself.

Mr. BORLAND. So far from thinking it so serious a matter that the Senate are called upon to take notice of it, I think it a very ridiculous affair, of which the Senate should rather feel ashamed, and say as little about it as possible. I am a young member of the Senate, and one perhaps of the least experience, but to my mind there was not any danger on foot at all.

Mr. FOOTE. So far as I am concerned, if I know my own heart and intentions, and something of my own character, I have nothing of the assassin about me. I have never threatened any personal attacks, never. My most intimate personal friends have never heard me indulge in any such language. So help me God, I came here this morning with no intention to dispute, but with the desire to endeavor to settle these great questions in a such a manner as would conduce to the welfare of the country. It is my earnest desire that this matter shall be investigated; and I wish to state, in advance, that if it can be proved, by construction or declaration, in any shape or form, that I armed myself for the purpose of attacking the Senator from Missouri, with the purpose of assassination, as charged—if even a cause for suspicion is made out against me—I beg that I may be expelled from this Senate, of which I should hold myself unworthy to be a member. Yes, sir; I say that if there is even a cause for suspicion established, I desire that such a course may be pursued towards me. But, so help me Heaven, being threatened with chastisement, and being informed that I was likely to be attacked, and resolving, under no such circumstances, to make the attack myself, I solemnly prepared to resist any attack. And when I thought the attack was about to be made, instead of putting the lives of my friends in danger, I simply advanced for the purpose of defending myself. And if the Senator had advanced down the alley for the purpose of attacking me, such was my intention. And I repeat that if any Senator has the least ground of suspicion, so far as I am concerned, of my motives, or that my conduct was unworthy of a Senator or of my constituents, I earnestly desire this committee of investigation.

Mr. DODGE, of Wisconsin. Mr. President, I deeply deplore the unhappy and violent scene which has just occurred. I do think that it is due to the dignity of the Senate, and to the high character that this body has ever maintained for peace and good order that the matter which has just transpired should be referred to a committee, that it may be fully investigated and reported upon. It should be properly understood by ourselves and by the people of the United States. Sir, I have known the Senator from Missouri intimately for thirty-five years, and I have never known him to carry arms, though I have always believed him to be a man who would use them when necessary, and on a proper occasion, and defend himself under any and all circumstances. When he rose and advanced in the direction of the Senator from Mississippi, being one of his old friends, I went up to him to prevent, if possible, any difficulty in the Senate, believing, as a member of this body, that it was my duty to attempt to keep the peace, and to see that no act was done on the part of either gentleman that would have a tendency to disturb it. I am friendly to both, but the Senator from Missouri has been my bosom friend for thirty-five years, and I will stand by him on all occasions and in any situation in which he may be placed on earth. I say, I am not unfriendly to either gentleman, but I am one of those who believe that the Senate is not the proper place to settle difficulties of this character. If gentlemen choose to fight, they will find plenty of room out of the Senate chamber; the streets are large, the neighboring grounds are spacious, but the respect we owe to the country and to ourselves should prevent the occurrence of such scenes in the Senate chamber. Sir, a due regard for the respect and dignity of the Senate constrains me to urge, in the strongest terms, that the subject be referred to a committee for investigation and such action as this body may deem to be due to its own character.

I have nothing to say about the violence of the scene or the drawing of the pistol. These are their own affairs, and are matters that they must decide upon their own responsibility; but for the honor of this body, and for the honor of the whole country, I am certain that these things should be stopped. We ought to have an end to wrangling and to personalities; we were sent here for greater and for nobler purposes. The Senate of the United States has heretofore been considered as one of the most dignified and decorous bodies of men in the world, and we owe it to ourselves to vindicate the Senate from the disrepute, so far as it can be done, which attaches to it in consequence of a scene like this. I hope I am not troublesome. It is not often, Mr. President, that I trespass on the time of the Senate, and I would have greatly preferred that any other Senator should have moved in this matter. I feel that it ought not to be permitted to pass in silence. No one can regret more than I do that such an occurrence should have transpired in this hall, between two members of the body and of the same political party; but as such is unhappily the fact, I wish to see every thing presented in a fair and proper point of view. I move you, then, sir, that a committee of five be appointed by the Chair to investigate the whole matter, and report all the facts to the Senate.

Mr. MANGUM. I have drawn up very hastily a resolution on this subject. I concur entirely with every remark I have heard fall from the Senator from Wisconsin, and I have drawn up a resolution proposing that a committee of seven should be appointed.

Mr. DODGE. I accept of that number.

Mr. MANGUM. I myself decline to serve as one of the members of the committee, but the honorable Senator from Wisconsin I hope will be placed at the head of it. The resolution is:

Resolved, That a committee of seven be appointed to investigate the disorder of to-day in the Senate, and that they report to the Senate what befits the occasion, and have power to examine witnesses and take testimony in the case.

Will the honorable Senator accept this in lieu of his motion?

Mr. DODGE. It presents my views exactly, and I very willingly accept it.

Mr. CLAY. I should have risen earlier, sir, but from a personal duty which I will not name at present. I think the course which has been proposed a very proper one. The facts which unfortunately occurred were within the observation of most of the Senators, I suppose. I was not looking on at the moment, for my attention was drawn from that part of the body. But I think the resolution does not go far enough. I think the two Senators who have been placed in an unpleasant relation towards each other ought to be placed under an obligation to keep the peace, and for that purpose, that they should either voluntarily or otherwise go before some magistrate of the city, or that both of them in their places here should pledge themselves—which would be more gratifying to me—not to pursue this matter, at any rate, during the session of the Senate, further than what occurred to-day. If the Senators will make such promise to the Senate, I shall be extremely happy.

Mr. BENTON. I have done nothing upon God Almighty's earth to authorize any man to charge me with a breach of the peace, and I will rot in jail before I will give a promise admitting that the charge is true. I regret nothing. It is lying and cowardly to undertake to impute to me the bearing of arms here, in order to justify the use of them upon me. I have done nothing, and I will rot in jail before I will give a promise which admits, by implication, that I have been guilty of a breach of the peace.

Mr. CLAY. My observations did not relate to the past, but to the future. I did not pretend to say whether either of the parties or both are in fault. I merely expressed a wish in reference to the future, and without reference to the past, that the two Senators should come under some legal or personal obligation not to push this matter further.

Mr. FOOTE. Mr. President—

SEVERAL SENATORS. Be cool.

Mr. FOOTE. I am perfectly cool, and I feel the gravity of the occasion as deeply as others. I have only this to say: I am a constitution-loving man, and I know my constitutional rights, both in my place in the Senate and elsewhere. I have never threatened a human being with personal attacks in my life, and of course I have never executed a threat of that kind in my life. I have never worn arms to make an attack on any person, and have never worn arms at all in the Senate except when menaced, as I was the other day in the Senate with a cudgel. My friends urged upon me that, being diminutive in size and quite feeble in health, I should at least wear arms for my own defence. It was a novel thing to me, for I am not in the habit of doing it, and I put on arms, supposing it possible that I might be attacked after what had occurred, simply for the purpose of defending myself. Having a constitutional right to bear arms for my own defence, I have merely exercised that right.

Mr. MANGUM. Will the Senator give way for a moment?

Mr. FOOTE. Certainly.

Mr. MANGUM. I move that the doors of the Senate be closed.

SEVERAL SENATORS. Oh, no.

Mr. FOOTE. I hope not; I hope my friend will not do me that injustice. I hope he will withdraw the motion.

Mr. SEWARD, (in his seat.) No, you are right; insist upon it.

Mr. FOOTE. I beg my friend will not insist upon it, when a public explanation is necessary to myself.

Mr. MANGUM. Well, I will withdraw it.

Mr. FOOTE. Now, I say again that I shall always wear arms, when I suppose I am in danger, for the purpose of self-defence alone. I have never assailed young or old in my life, by any menace of violence or any actual attacks. It is only when I am threatened with danger that I wear arms. I have always preferred a different mode of settling such matters, and I have kept the door wide open for the purpose of avoiding such scenes as have occurred in this body to-day. In reply to the Senator from Kentucky, who is entitled to the respect and veneration of all, and whose reputation for chival-