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Poetry.

Imaginary Evils.

BY CHARLES SWAIN.

[illegible]

Life-Sculpture.

[illegible]

Political.

THE SLAVE QUESTION.

Horace Mann in reply to Daniel Webster.

We extract the following from Mr. Mann's letter to his constituents—omitting his remarks upon the rendition of slaves, for the reason that Mr. Webster's position is *not* what Mr. Mann apprehends it to be, if the recent declaration of the Boston Courier on that point is correct.

In a chronological order, I must now consider some vitally important views, which have been submitted by some members in the House, and by Mr. Webster and others in the Senate. In mentioning the name of this great statesman, and avowing that I am one among the many whom his recently expressed opinions have failed to convince, it is due to myself, however indifferent it may be to him or to his friends, that I should express my admiration of his powers, my gratitude for his past services, and the diffidence with which I dissented, at first from his views. But I have pondered upon them long, and the longer I have pondered, the more questionable they appear. I shall therefore venture upon the perilous task of inquiring into their correctness; and while I do it with the deference and respect which belong to his character, I shall do it also with that fidelity to conscience and to judgment that belong to mine. He is great, but truth is greater than us all.

I shall confine myself mainly, and perhaps wholly, to Mr. Webster's views, because no less urged not the cause of the South with vastly more ability than it has been argued by any one among themselves. If his conclusions, there, be not tenable, their case is lost.

Mr. Webster casts away the "Proviso," altogether. He says "if a resolution or a law were now before us, to provide a territorial government for New Mexico, I would not vote to put any prohibition into it whatever," p. 34. The reason given is, that slavery is already excluded from "California and New Mexico," "by the law of nature, of physical geography, the law of the formation of the earth," p. 42. "California and New Mexico are Asiatic in their formation and structure. They are composed of vast ridges of mountains of enormous height, with broken ridges and deep valleys," p. 43.

Now this is drawing moral conclusions from physical premises. It is arguing from physics to metaphysics. It is determining the law of the spirit by geographical phenomena. It is undertaking to settle by mountains and rivers, and not by the Ten Commandments, a great question of human duty. It abandons the commandment of Christ, and all Bills of Rights enacted in conformity therewith, and leaves our obligations to our "neighbor," and all human rights to be determined by the accidents of earth and water and air. To ascertain whether a people will obey the command of Christ, and do to others as they would be done by, it looks at the thermometer.—What a problem would this be? "Required the height above the level of the sea, at which the oppressor will undo the heavy burdens and let the oppressed go free, and break every yoke"—to be determined barometrically." Absurd! this cannot be done. Slavery depends, not upon climate, but upon conscience. Wherever the wicked passions of the human heart can go, there slavery can go. Slavery is an effect. Avarice, sloth, pride, and the love of domination are its cause. In ascending the mountain sides, at what altitude do men leave these passions behind them? Different vegetable growths are to be found at different heights, depending also upon the zone. This I can understand. There is the altitude of the palm, the altitude of the oak, the altitude of the pine, and far above them all the line of perpetual snow. But in regard to innocence and guilt, where is the *white line?* How far up can a slaveholder go and not lose his free agency? At what elevation will the whip fall from the hand of the master, and the fetters from the limbs of the slave? There is no such point. Freedom and slavery on the one hand, and climate and geology on the other, are immeasurable quantities. We might as well attempt to determine a question in theology by the cube root, or a question in ethics by the Black Art. Slavery being a crime founded upon human passions, can go wherever those passions are unrestrained. It has existed in Asia from the earliest ages, notwithstanding its "formation and scenery." It labors and groans on the flanks of the Ural mountains now. There are to-day forty-eight millions of slaves in Russia, not one rood of which comes down so low as the Northern boundary of California and New Mexico.

Should it be said that Slavery will not go into the new territories, because it is unprofitable, I ask, where is it profitable?—Where is ignorance so profitable as knowledge? Where is ungodliness gain, even for the things of this life? How little is the hand worth, at one end of an arm, if there is not a brain at the other? Do not Maryland, Virginia, North Carolina, and other States, furnish witnesses by thousands and tens of thousands, that slavery impoverishes? Yet with what enthusiasm they cherish it! Generally, ignorance is a necessary concomitant of slavery. Of white persons, over twenty years of age, unable to read and write, there were, according to the last census, 58,787 in Virginia, 56,669 in North Carolina, 58,513 in Tennessee, and so forth. I have a letter before me, received this morning, dated in Indiana, in which the writer says he removed from N. Carolina in 1802, when he was 14 years old, and at that time he had never seen a newspaper in his life. Can there be genius, the inventive talent, or profitable labor where ignorance is so dense? Can the oppression which tramples out voluntary industry, intelligence, enterprise, and the desire of independence, conduce to riches? Yet this is done wherever slavery exists, and is part and parcel of its working. Is there any other form of robbing profitable? Yet individuals and communities have practiced it and lived by it, and we may as well rely upon a "law of physical geography" to arrest the one as the other. It is not poetry, but literal truth, that the breath of the slave blasts vegetation, his tears poison the earth, and his groans strike it with sterility. It would be easy to show why the master does not abandon slavery, even amid the desolation with which it has surrounded him. There is a combination of poverty and pride, which slavery produces *on the doctrine of natural appetence*, and which, therefore, it exactly fits. The helplessness of the master in regard to all personal wants, seems to necessitate the slavery that has begotten it. All moral and religious principles are lowered till they conform to the daily practice. Custom blinds conscience, until, without any attempt to emancipate or ameliorate their victims, man can preach and pray and hold slaves, as Yorick jests and sings over grave-digging.

But slavery cannot go into California or New Mexico, because their staple productions are not "tobacco, cane, cotton, or rice," (p. 44.) These are agricultural products. But is slave labor confined to agriculture? Suppose that predial slavery will not become common in the new territories. Cannot menial? If slaves cannot do field work, cannot they do housework? There is an opening for a hundred thousand slaves today, in the new territories, for purposes of domestic labor. And beyond this, let me ask, who possesses any such geologic vision that at the distance of a thousand miles he can penetrate the valleys and gorges of New Mexico; and say that gold will not yet be found there as it is in California—not in sand and in gravel only, but in forty-eight pounders and in fifty-sixes!—This is the very kind of labor on which slaves, in all time, have been so extensively employed—the very labor on which a million of slaves in Hispaniola lost their lives within a few years after its discovery by Columbus. Gold deposits are now worked within twenty-five miles of Santa Fe. The last account which I have seen, of a company of emigrants passing from Santa Fe to California, by the river Gila, announces rich discoveries of gold upon that river.—A fellow citizen of mine has just returned home, who says he saw a slave sold at the mines in California, in September last. As yet, the distant regions of the Gila and the Colorado cannot be worked, because of the Apaches, the Utahs, and other tribes of Indians. But admit slavery there, and the power of the government will be invoked to exterminate these Indians, as it was before to exterminate the Cherokees and Seminoles—not to drive them beyond the Mississippi, but beyond the Styx. A few days since a letter was published in the papers, dated on board a steamer descending the Mississippi, which stated that a considerable number of slaves were on board, bound for California, under an agreement with their masters that they should be free after serving two years at the mines. We know too, that the reasons assigned for incorporating a provision in the Constitution of California, authorizing its Legislature to pass laws for the exclusion of free blacks from the State, was, that slaves would be brought there under this very form of agreement, and by and by, the country would be overspread by people of color who had bought their freedom. The sagacious men who framed the California Constitution came from all parts of the territory, and being collected on the spot, having surveyed all its mountains, having breathed its air at all temperatures, and turned up its golden soil—these men had never discovered any law "of physical geography" which the fell spirit of slavery could not transgress.—Slaves were carried into Oregon, ten degrees of latitude higher up. Its colonists re-enacted the Ordinance of 1787, before Congress gave them a territorial government. In the territorial government that was given them, the prohibition was inserted; and President Polk signed the bill with an express protest, that he ratified this exclusion of slavery only because the country lay north of the Missouri compromise line—but that had it embraced the very region in question, he would have vetoed the bill.

Gen. Cass never took the ground that slavery could not exist in the new territories; and no inconsiderable part of the opposition made to him in Massachusetts and in other free States, was placed expressly upon the ground that he would not prohibit it. Mr. Webster, in his Marshfield speech Sept. 1, 1848, opposed the election of Gen Cass, because through his recreancy to Northern principles, slavery would invade the territories. This was expressed with his usual clearness and force, as follows—

"He (Gen. Cass) will surely have the Senate: and with the patronage of the government, with every interest that he, as a Northern man, can bring to bear, co-operating with every interest that the South can bring to bear, we cry safety before we are out of the woods, if we feel that there is no danger as to these new territories."

Yet Mr. Webster now says that to support the "Proviso," would "do disgrace to his own understanding." (p. 46.)

During the same campaign, also, the Hon. Rufus Choate, one of the most eloquent men in New England, and known to be the personal friend of Mr. Webster, delivered a speech at Salem, in which the following passage occurs—

"It is the passage of a law to say that California and New Mexico shall remain forever free. That is, fellow-citizens, undoubtedly, an object of great and transcendent importance; for there is none who will deny that we should go up to the very limits of the Constitution itself, and with the wisdom of the wisest and the zeal of the most zealous, should unite to accomplish this great object, and defeat the always detested and forever to be detested, object of the dark ambition of that candidate of the Baltimore Convention, who has ventured to pledge himself in advance that he will veto the future laws of freedom; and may God avert the madness of all those who hate slavery and love freedom, that would unite in putting him in the place where this thrice accursed pledge may be redeemed. . . . Is there a Whig upon this floor who doubts that the strength of the Whig party next March will insure freedom to California and New Mexico, if by the Constitution they are entitled to freedom at all? Is there a member of Congress that would not vote for freedom? You know there is not one. Did not every Whig member of Congress from the free States vote at the last session for freedom? You know that every man of them returned home covered with the thanks of his constituents for that vote. Is there a single Whig constituency in any free State in this country, that would return any man that would not vote for freedom? *Do you believe that Daniel Webster himself could be returned, if there was the least doubt upon the question?*"

Mr. Choate then adds—"Upon this question alone, we always differ from these Whigs of the South; and on that one, we *propose simply to vote them down.*" Mr. Webster now says he will not join in voting them down.

Under such circumstances is it frivolous or captious to ask for something more than a dogmatic assertion that slavery cannot impregnate these new regions, and cause them to breed monsters forever? On a subject of such infinite importance I cannot be satisfied with a dictum; I want a demonstration. I cannot accept the prophecy without inquiring what spirit inspired the prophet. As a revelation from heaven it would be most delightful; but as it conflicts with all human experience, it requires at least one undoubted miracle to attest the divinity of its origin.

Yet Mr. Webster stands up before all this array, and says: "Gentlemen, you are beside yourselves. You have eaten hellebore. You would look more in character should you put on the 'cap and bells.'" In sober sense, in seeing his object clearly and in pursuing it directly, Don Quixote was Dr. Franklin, compared with *you*. The dog in the fable, who drop't his meat to snap at its shadow, is no allegory in your case. I see two classes around me—wise men and fools; *you* do not belong to the former.—The Chancellor who keeps the king's idiots should have custody of you." Such is a faithful abstract of what Mr. Webster said to Southern Senators, and through them to all the South.

Here certainly was a reflection upon the understanding and intelligence of the South, such as never was cast on them before. But the balm went with the sting. They bore the affront to their judgements, because it was so grateful to their politics and pockets. I think it no injustice to those Senators to say, that they would have nearly torn him in pieces for such a collective insult, if it had not added fifty per cent. to their individual property, and secured and perpetuated their political ascendancy.

To help our conceptions in regard to Mr. Webster's course on this subject, let us imagine a parallel case,—or rather, an approximate one, for there can be no parallel. Suppose a contest between the North and the South, on the subject of the Tariff to have been raging for years. The sober blood of the North is heated to the fever point. The newspapers treat of nothing else. Public meetings and private conversation discuss no other theme. Hundreds of delegates wait upon Congress, to add, if it be but a feather's weight, to the scale which holds their interests. Petitions flow in, in thousands and tens of thousands. It is announced that Mr. Calhoun will pour out his great mind on the subject. Expectation is on tiptoe. All eyes, from all sides of the country, are turned towards Washington, as the Muezzin's is to Mecca. The Senate chamber is packed, and the illustrious Senator rises. After a historic sketch of existing difficulties; after reading from the speeches which he made in 1832, and in 1846, he proceeds to say that he withdraws all opposition to a tariff, to any tariff! He will not offend the delicate nerves of Northern manufactures, by further hostility. Were a bill then before him, he would not oppose it. "Take the schedules," says he scornfully, to Northern Senators, "and fill up blanks from A to Z with what percentages you please. For *ad valorem* rates put in minimums and maximums, at your pleasure. I will 'taunt' you no longer. I am for peace and the glorious Union. I have discovered an irrepealable and irreversible law of nature, which overrules all the devices of men. You cannot make one yard of woolens or cottons in New England. There, water has no gravity, steam has no force, and wheels will not revolve. In Vermont and New York, wool will not grow on sheep's backs. I have penetrated the geology of Pennsylvania, and through all its stratifications, there is not a thimble-full of coal, nor an ounce of iron ore; and, if there were, combustion would not help to forge it; for oxygen and carbon are divorced. As Massachusetts contributed one-third of the men and one-third of the money, to carry on the Revolutionary War, I am willing to compensate her for her lost blood and treasure, to the amount of hundreds of millions of dollars, with which she may fertilize the barrenness of her genius, and indulge her insane love for churches and schools." Had the great Southern Senator spoken thus, I think that even idolatrous, man-worshipping South Carolina—a State which Mr. Calhoun has ruled and moved for the last twenty-five years, as a puppet-show man playing Punch and Judy—would have sent forth through all her organs, a voice of unanimous dissent.

As much as Freedom is higher than Tariff, so much stronger than their dissent should be ours.

Mr. Webster's averment that he would not "re-affirm an ordinance of Nature, nor re-enact the word of God," [p. 44] has been commented on more pungently than I am able or willing to do. It has been said that all law and all volition must be in harmony with the will of the Good Spirit or with that of the Evil One; and, if we will not re-enact the will of the former, then, either all legislation ceases, or we must register the decrees of the latter. But one important and pertinent consideration belongs to this subject, which I have nowhere seen developed. It is this: Endless doubts and contradictions exist among men, as to what is the will of God; and on no subject is there a wider diversity of opinion than on this very subject of slavery. Whose law was re-enacted by the ordinance of 1787? whose when the African slave trade was prohibited? whose, when it was declared piracy? True, it is useless to put upon our statute-book an astronomical law, regulating sunrise, or high tides; but that is physical and beyond the jurisdiction of man, while slavery belongs to morals, and is within the jurisdiction of man. Cease to transcribe upon the statute book what our wisest and best men believe to be the will of God in regard to our worldly affairs, and the passions which we think appropriate to devils will soon take possession of society. In regard to slavery, piracy, and so forth, there are multitudes of men, whose fear of the penal sanctions of another life is very much aided by a little salutary fine and imprisonment in this. Look at that noble array of principles which is contained in the Declaration of Rights in the Constitution of Massachusetts. Is it not a most grand and beautiful exposition of "the will of God,"—a transcript, as it were, from the Book of Life; So of the amendments to the Constitution of the United States. Yet our fathers thought it no tampering with holy things to enact them; and, in times of struggle and peril, they have been to many a tempted man as an anchor to the soul, sure and steadfast.

I approach Mr. Webster's treatment of the Texas question, with no ordinary anxiety. Having been accustomed from my boyhood to regard him as almost infallible expounder of constitutional law, it is impossible to describe the struggle, the revulsion of mind, with which I have passed from an instructed and joyous acquiescence in his former opinions, to unhesitating dissent from his present ones.

I must premise that I cannot see any necessary or beneficial connection between the subject of new Texan States and the admission of California, and the government of the territories. The former refers to some indefinite future, when, from its fruitful womb of slavery, Texas shall seek to cast forth its untimely birth. In this excited state of the country—at this critical juncture of our affairs, when there is sober talk of massacreing a majority of the House of Representatives, on their own floor, and a Senator, instead of threatening to hang a brother Senator on the highest tree, provided he could catch him in his own State, now draws a revolver of six barrels on another brother Senator, on the floor of the Senate, in mid session;—at such a time, I say, when, however few Abels there may be at work in the political field, there are Cains more than enough, would it not have been well to have said, "Sufficient unto the day is the evil thereof!"

As the basis of his argument, Mr. Webster quotes the following resolution:

"New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said state, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal constitution. And such States as may be formed out of that portion of said territory lying south of 36 30 north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire; and in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited.")

Note here, first, that only "*four*" States are to be admitted in "addition to said State of Texas;" and second, that "such State or *States*" (in the plural) as shall be formed from territory North of 36 deg. 30 min. *shall be free.* If *two*, or only *one* free State is to exist on the *north* side of the line, then how many will be left for the *south* side? I should expose myself to ridicule were I to set it down arithmetically, *four* minus *one*, equal to *three*. Yet Mr. Webster says "the guaranty is, that new States shall be made out of it, [the Texan territory] and that such States are formed out of that portion of Texas, laying south of 36 deg. 30 min., may come in as slave states, to *the number of* FOUR, in addition to the State then in existence, and admitted at the time of these resolutions." p. 29.

Here Mr. Webster gives outright, to the South and to slavery, one more State than was contracted for,—assuming the contract to be valid. He makes a donation, a gratuity, of an entire slave state, larger than many a European principality. He transfers a whole State, with all its beating hearts, present and future, with all its infinite susceptibilities of weal or woe, from the side of freedom to that of slavery, in the legerbook of humanity. What a bridal gift for the harlot of bondage!

Was not the bargain hard enough, according to its terms? Must we fulfil it, and go beyond it? Is a slave State, which dooms our brethren of the human race, perhaps interminably, to the vassal's fate, so insignificant a trifle, that it may be flung in, as small change on the settlement of an account? Has the South been so generous a copartner, as to deserve this distinguished token of our gratitude?

Why, by a parity of reasoning could he not have claimed all the four states, "in addition to said State of Texas," as free States? The resolutions divide the territory into two parts, one north and one south of the line of 36 deg. 30 min. Could not Mr. Webster have claimed the four States for freedom with as sound logic, and with far better humanity than he surrendered them to slavery? When Texas and the South have got their slave States "*to the number of four*" into the Union, whence are we to obtain our one or more free States? The contract will have been executed, and the consent of Texas for another State will be withheld.

Notwithstanding all this, Mr. Webster affirms the right of Slavery to four more States, in the following words: "I know no form of legislation which can strengthen this. I know no mode of recognition that can add a title of weight to it." Catching the tone of his asservation, I respond, that I know no form of statement, nor process of reasoning, which can make it more clear that this is an absolute and wanton surrender of the rights of the North, and the rights of humanity.

According to the last census, there were more than eight thousand persons of African blood in Massachusetts. Abolish the moral and religious convictions of our people, let slavery appear to be in their sight not only lawful and creditable, but desirable as a badge of aristocratic distinction, and as a "political, social, moral, and religious blessing," and what obstacle would prevent these eight thousand persons from being turned into slaves, on any day, by the easy, cheap and short-hand kidnapping of a legislative act? Africans can exist here for the best of reasons,—they do exist here. A state of slavery would not stop their respiration; nor cause them to vanish "into thin air." Think, for a moment, of the complaints we constantly hear in certain circles, of the difficulty and vexatiousness of commanding domestic service. If no moral or religious objection existed against holding slaves, would not many of those respectable and opulent gentlemen who signed the letter of thanks to Mr. Webster, and hundreds of others indeed, instead of applying to intelligent offices, or visiting emigrant ships, for domestics, as we call them, go at once to the auction-room, and buy a man or a woman, with as little hesitancy or compunction as they now send to Bright in for beeves, or go to Tattersall's for a horse? If the cold of the higher latitudes checks the flow of African blood, or benumbs African limbs, the slaveholder knows very well that a trifling extra expense for whips will make up for the difference.

But suppose a doubt could be reasonably entertained about the invasion of the new territories by slavery. Even suppose the chances to preponderate against it. What then? Are we to submit a question of human liberty, over vast regions and for an indefinite extent of time, to the determination of chance? With all my faculties I say *No!* Let me ask any man, let me respectfully ask Mr. Webster himself, if it were his own father and mother, and brothers and sisters, and sons and daughters, who were in peril of such [illegible] them to chance,—even to a favorable chance. Would he suffer their fate to be determined by dice or divination, when positive prohibition was in his power? And by what rule of Christian morality, or even of enlightened heathen morality, can we deal differently with the kindred of others from what we would with our own? He is not a Christian whose humanity is bounded by the legal degrees of blood, or by general types of feature.

But Mr. Webster would not "taunt" the South. Neither would I. I would not taunt any honorable man, much less a criminal. Still, when the most precious interests of humanity are in peril, I would not be timid. I would not stop too long to cull lovers' phrases. Standing under the eye of God, in the forum of the world and before the august tribunal of posterity, when the linguists are Freedom Tyranny, and human happiness and human misery the prize they contest, it should happen to the sworn advocates of Liberty, as Quintilian says it did to Isocrates, "not to speak and to plead, but to thunder and to lighten." Mr. Webster would not taunt the South; and yet I say the South were never so insulted before, as he has insulted them. Common scoffs, jeers, and vituperations, are flattery and sycophancy, compared with the indignities he has heaped upon them. Look at the facts. The South waged war with Mexico from one and only one motive; for one and only one object—the extension of Slavery. They refused peace unless it surrendered territory. That territory must be south of the abhorred line of 36 deg. 30 min. The same President who abandoned the broad belt of country on our northern frontier, from 49 deg. to 54 deg. 40 min., to which we had, in his own words, "an unquestionable title," would allow no prohibition of slavery to be imposed upon the territory which Mexico ceded, though she would bury it a foot deep in gold. The Proviso had been resisted in all forms, from the beginning. Southern Whigs voted against the ratification of the treaty, foreseeing the struggle that was to follow. Desperate efforts were made to smuggle in an unrestricted territorial government, against all parliamentary rule and all constitutional implication. The whole South, as one man, claimed it as a "describable, weighable, estimable, tangible," and most valuable "right," to carry Slaves there. Calhoun, Berrien, Badger, Mason, Davis,—the whole Southern phalanx, Whig and Democrat, pleaded for it, argued for it, and most of them declared themselves ready to fight for it; and yet Mr. Webster rises in his place, and tells them they are all moon-struck, hallucinated, fatuous, because "an ordinance of Nature and the will of God" had settled this question from the beginning of the world. Mr. Calhoun said, immediately after this speech, "give us free scope and time enough, and we will take care of the rest."

Mr. Mason said—

"We have heard here from various quarters, and from high quarters, and repeated on all hands—repeated here again today by the honorable Senator from Illinois, (Mr. Shields,) that there is a law of nature which excludes the Southern people from every portion of the State of California. I know of no such law of nature—none whatever; but I do know the contrary, that if California had been organized with a Territorial form of government only, and for which, at the last two sessions of Congress, she has obtained the entire Southern vote, the people of the Southern States would have gone there freely, and have taken their slaves there in great numbers. They would have done so because the value of the labor of that class would have been augmented to them many hundred fold. Why, in the debates which took place in the Convention in California, which formed the Constitution, and which any Senator can now read for himself, after the provision excluding Slavery was agreed upon, it was proposed to prohibit the African race altogether, free as well as bond. A debate arose upon it; and the ground was distinctly taken, as shown in those debates, that if the entire African race was not excluded, their labor would be found so valuable that the owners of slaves would bring them there, even though Slavery were prohibited, under a contract to manumit them in two or three years. And it required very little reasoning, on the part of those opposed to this class of population, to show that the productiveness of their labor would be such as to cause that result. An estimate was gone into with reference to the value of the labor of this class of people, showing that it would be increased to such an extent in the mines of California, that they could not be kept out It was agreed that the labor of a slave in any one of the States from which they would be taken, was not worth more than one hundred or one hundred and fifty dollars a year, and that in California it would be worth from four to six thousand dollars. They would work themselves free in one or two years, and thus the country would be filled by a class of free blacks, and their former owners have an excellent bargain in taking them there."

But I hold the Texan resolutions to have been utterly void; and proceed to give the reasons for my opinion.

I begin by quoting Mr. Webster against himself. In an Address to the people of the United States, from the Mass. Anti-Texas State Convention, Jan. 29th, 1845, the subjoined passage, which is understood, or rather, I may say, is now well known, to have been dictated by Mr. Webster himself may be found:—

"But we desire not to be misunderstood. According to our convictions, there is no power in any branch of the Government, or all its branches, to annex foreign territory to this Union. We have made the foregoing remarks only to show, that, if any fair construction could show such a power to exist anywhere, or to be exercised in any form, yet the manner of its exercise now proposed is *destitute of all decent semblance of constitutional propriety.*"

Thus cancelling the authority of Mr. Webster in 1850 by the authority of Mr. Webster in 1845, I proceed with the argument.

Though the annexation of Texas was in pursuance of a void stipulation, yet it is a clear principle of law that when a contract void between the parties, has been *executed* by them, it cannot then be annulled. [illegible] virtue of the execution, it becomes [illegible] I bow to this legal principle, and would fulfil it. But any independent stipulation which remains unexecuted, remains invalid. Such is that part of the annexation resolutions which provides for the admission of a brood of Texan States. The resolutions themselves say in express terms, that the new States are to be admitted "under the provisions of the Federal Constitution;" and the Constitution says, "New States may be admitted *by the Congress* into this Union." By what Congress? Plainly, by the Congress in session, at the time when application for admission is made; and by no other. The fourth Texan State may not be ready for admission for fifty years to come; and could the Congress of 1845, bind the Congress of 1900? The Congress of 1900, and all future Congresses, will derive their authority from the Constitution of the United States, and not from any preceding Congress. Put the case in a negative form.—Could the Congress of 1845 bind all future *not* to admit new States, and thus *pro tanto*, annul the Constitution? Positive or negative, the result is the same. No previous Congress, on such a subject, can enlarge or limit the power of a subsequent one. Whenever, therefore, the question of a new Texan State comes up for consideration, the Congress then in being must decide it on its own merits, untrammelled by anything their predecessors have done; especially free from a law which, while similar in spirit, is a thousand times more odious in principle than statutes of mortmain.

Admitting that a future Congress on such a subject, might be bound by a treaty, I answer that here was no treaty; while the fact that a treaty clause was introduced into the resolutions, in the Senate for the sake of obtaining certain votes that would never otherwise have been given in their favor, and under the express pledge from the Executive that the method by treaty should be adopted, which was forthwith inquitously broken, leaves no element of baseness and fraud by which this proceeding was not contaminated. In the name of the constitution, then, and of justice, let every honest man denounce those resolutions as void, alike in the forum of law and in the forum of conscience; and, admitting Texas herself to be in the Union, yet, when application is made for any new State from that territory, let the question be decided upon the merits it may then possess.

There is another objection to any future claim of Texas to be divided into States, which grows out of her own neglect to fulfil the terms and spirit of the agreement.—In the "territory north of the Missouri Compromise line, slavery or involuntary servitude, (except for crime) shall be prohibited." So reads the bond. But if Texas suffers slavery to be extended over that part of her territory, then, when it becomes populous enough for admission, and is overspread with slavery, a new State may present a free constitution, be admitted by Congress, and before the slaves have time to escape, or to carry the question of freedom before the judicial tribunals, *Presto!* this free constitution will be changed into a slave constitution, under the alleged right of a State to decide upon its own domestic institutions, and thus the word of promise which was kept to the ear, will be broken to the hope. If Texas meant to abide by the resolutions of annexation, and to claim anything under them, it was her clear and imperative duty forthwith to pass a law, securing freedom to every inhabitant north of the Compromise line. In this way only can the resolutions be executed in their true spirit. That territory is now in the condition of an egg; it is undergoing incubation. From it a State is hereafter to be hatched; but before promising to accept the chick, it would be agreeable to know whether a viper had impregnated the egg.

But there is a still further objection, of whose soundness I have no doubt; but should I be in error in regard to it, the mistake will not invalidate any other argument. The parties to that agreement stipulated on the ground of mutuality, without which all contracts are void. Some States were to be admitted to strengthen the hands of slavery, and some of freedom. A line of demarcation was drawn. Now, on investigation, I believe it will most conclusively appear, that there is not an inch of Texan territory north of the stipulated line; it all belongs to New Mexico, as much as Nantucket or Berkshire belongs to Massachusetts. It was a mistake on the part of the contracting parties; if, on the part of Texas, it was not something worse than a mistake. The mutuality, then, fails. The contract is *nudum pactum*. Texas can give nothing for what she was to receive; and is, therefore, entitled to receive nothing but what she has got.

Another Affair out of doors. It will be remembered that when Mr. Richardson, Locofoco of Illinois, introduced a resolution to inquire into certain rumors respecting Mr. Secretary Ewing, no Whig raised objection. The same may be said of the other recent resolutions of inquiry into the conduct of Whig officials. All has been open and above board with them. No investigation, that was not proposed rather as an insult than with a design to deal justice to supposed delinquents, has been opposed by the Whigs.—When, however, Mr. Stanley proposed, as he did on Thursday, to inquire into the acts of those holding office under the last Administration, and precisely those acts contemplated in Richardson's resolution, as the subjects of inquiry, connected with Mr. Ewing and his officials,—then Mr. Johnson, (Loco) of Arkansas, "objects to such trash." Ugly things are sometimes found among trash. Mr. Johnson knows this very well, and acts accordingly. The occurrence shows how hypocritical are the professions of the professed Democracy, when they declare themselves "anxious for a fair investigation." Their anxiety straddles different horses under different circumstances.—*Republic.*

Mark the Difference!—When the "Lone Star" of Texas was about to be admitted into the Union, there was with President Polk, Mr. Buchanan, &c. such "hot haste," that Expresses were sent off and many obstacles and barriers overcome and broken down. Texas, without as many inhabitants or Electors as we have in the County of Albany, was rushed into Union.

But now, when California, teeming with population and business, rich in resources, and with an enlightened Republican Constitution, presents herself for admission, the whole South rises up against her! Indeed it is threatened by some that the admission of California will dissolve the Union! [illegible] have been [illegible] Texas might sit [illegible] Government until her best or [illegible] inhabitants entitled her to a Representative in Congress. But two Senators were wanted to preserve an "equilibrium." And hence Texas was hurried, half-grown and undredged, into the Union. But California, full-grown and mature in all prerogatives of a State is refused. And why? Because she is Free!—*Albany Journal.*

"Old Zack is doing better than any of them." This was the exclamation of a zealous Free Soil man to us not long since. As it was made with considerable emphasis, and by a very earnest opponent of Gen. Taylor's nomination and election, we stopped to learn in what particular he thought Gen. Taylor was doing better than "any of them?" He said that Clay, Webster, Cass, and Buchanan, were all in favor of a Territorial Government for New Mexico, without the Proviso, which he believed would result in the extension of slavery. But Gen. Taylor's plan is to admit California, and then say to New Mexico, "form your State Government and ask for admission, as California has done." "The result," said the free soiler, "would surely be that New Mexico would forthwith ask to come in as a free State, as did California, before slavery could gain a foothold there. We cordially agreed with our Free Soil friend and set him down for a more candid and reasonable man than we had before considered him.—*Portland Advertiser.*

Connecticut.—The Legislature assembled at New Haven on Wednesday. Edwin Fuller was chosen clerk of the Senate, and Osborn & Baldwin State printers, all Democrats. In the House, Origen S. Seymour, Democrat, was elected Speaker on the 15th ballot. The whole number of votes was 219; Seymour 110, Dutton, Whig, 95, scattering 14. For State officers (in convention:) For Governor, Thomas S. Seymour, (Democrat,) 122; Foster, (Whig,) 108; did not vote, 3. For Lieut. Governor, C. H. Pond, (Democrat,) 124; Greene H. Kendrick, (Whig,) 121; blank, 4. The candidates for Treasurer, Comptroller and Secretary on the Democratic ticket were all elected by similar votes.

There is some doubt whether a Senator will be elected.

Mr. Clayton has laid a communication before the Senate, recommending a full Minister to China, a paid Consul at Singapore, and commercial agents to Japan and other Oriental nations, to make treaties. He presented a mass of documents, showing the value and magnitude of the Asiatic trade, and the importance of diverting it to San Francisco and the United States, in exchange for our produce.

The Liverpool Mail, alluding to Sir Henry Bulwer's letter, which was commented on with severity by Senator Cooper, says:

"We venture to assert, that in the annals of diplomacy nothing like this was ever heard of. For impudence it is matchless. The Government of the United States are requested not to increase the duty on British iron, on the ground that it would be 'disagreeable' to certain parties in this country. The admission of British iron into the United States, at the present scale of duties is 'disagreeable' to the manufacturers of America. Which of these two parties is the American government to serve—their own citizens, or British subjects?"

Sunday Mails.—The Washington Republican states that the Postmaster General has ordered that the contractors on the railroad lines between New York and Philadelphia discontinue the Sunday morning mail, agreeably to their request, on condition that they delay the departure of the daily evening train from New York to 5 P. M., instead of 4 1 2 P. M., and form due connection with the Southern mail leaving Philadelphia at 10 1-2 P. M. The arrangement takes effect this day, May 1.