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SPEECH

OF THE

HONORABLE DANIEL WEBSTER,

ON

THE COMPROMISE BILL,

DELIVERED IN THE SENATE OF THE UNITED STATES, ON THE 17TH DAY OF JULY, 1850.

Mr. President: It was my purpose, on Tuesday of last week, to have followed the honorable member from South Carolina, (Mr. BUTLER,) who was addressing the Senate on the morning of that day, with what I then had, and now have, to say upon the subject of this bill. But before the honorable member had concluded his own remarks, it was announced to us, that the late Chief Magistrate of the United States was dangerously ill, and the Senate was moved to adjourn. The Senate adjourned; and the solemn event of the decease of the President took place that evening.

Sir, various and most interesting reflections present themselves to the minds of men, growing out of that occurrence. The Chief Magistrate of a great Republic died suddenly. Recently elected to that high office by the spontaneous voice of his fellow countrymen, possessing in a high degree their confidence and regard, ere yet he had had a fair opportunity to develop the principles of his civil administration, he fell by the stroke of death. Yet, sir, mixed with the sad thoughts which this event suggests, and the melancholy feeling which spread over the whole country, the real lovers and admirers of our constitutional government, in the midst of their grief and affliction for this loss, find something consoling and gratifying. The Executive head of a great nation had fallen suddenly: no disturbance arose; no shock was felt in a great and free Republic. Credit, public and private, was in no way disturbed, and danger to the community or individuals was no where felt. The legislative authority was neither dissolved nor prorogued; nor was there any further interruption or delay in the exercise of the ordinary functions of every branch of the Government, than such as was necessary for the indulgence, the proper indulgence, of the grief which afflicted Congress and the country. Sir, for his country General Taylor did not live long enough; but there were circumstances in his death so favorable for his own fame and character, so gratifying to all to whom he was most dear, that he may be said to have died fortunately.

"That life is long which answers life's great end."

A gallant soldier, able and experienced in his profession, he had achieved all that was to be expected by him in that line of duty. Placed at the head of the Government, as I have said, by the free voice of the people, he died in the midst of domestic affections and domestic happiness. He died in the full possession of the gratitude of his country. He died in the consciousness of duty performed. He died here, in the midst of the counsels of his country; which country, through us, its organs, has bestowed upon him those simple, but grand, and imposing rites, such as the Republic confers on the most distinguished of her sons. He has run the race destined for him by Providence, and he sleeps with the blessings of his countrymen.

"Such honors illum to her Hero paid,
And peaceful slept the mighty Hector's shade."

Mr. President, I proceed now to say upon the subject before us what it was my purpose then to have said. I begin by remarking, that the longer we stay in the midst of this agitating subject, the longer the final disposition of it is put off or postponed, the greater is the intensity of that anxiety which possesses my

breast. I wish, sir, to harmonize, so far as I can, opinions. I wish to facilitate some measure of conciliation. I wish to consummate some proposition or other, that shall bring opposing sentiments together, and give the country repose. It is not my purpose, to-day, to compare or contrast measures or plans which have been proposed. A measure was suggested by the President (Mr. Polk) in his message of 1848. The same measure, substantially, was again repeated by the late President (Mr. TAYLOR) in his message of 1849. Then there is before us this proposition of the Committee of Thirteen. I do not regard these as opposite, conflicting, or, to use the language of the day, as antagonistical propositions at all. To a certain extent, they all agree. Beyond what was proposed either by Mr. Polk or by the late President, this report of the committee, and the bill now before us, go another step. Their suggestions were, and especially that of the late President, to admit California, and for the present to stop there. The bill before the Senate proposes to admit California, but also to make a proper provision, if the Senate deem the provision proper, for the Territories of New Mexico and Utah. I confess, sir, my judgment, from the first, has been that it was indispensable that Congress should make some provision for these Territories; but I have been careless whether the things, necessary to be done, should be done in one bill or in separate bills, except that, as a matter of expediency, it was and has been my opinion, from the beginning, that it would have been better to have proceeded, measure by measure. That was a matter of judgment upon the expediency of the course. I was one of the Committee of Thirteen. Circumstances called me to my home during its deliberations; and it seemed to be the general opinion of the committee at that time, and I thought the better opinion, to begin with California, and then take up the other measures in their order. Upon further consideration, the committee—very fairly I doubt not, and in the exercise of their best judgment and discretion—thought fit to unite the three things which are in this bill. Well, sir, whether singly or together, each and every one of these objects meets my approbation, and all are in my judgment desirable. In the first place, I think it is a desirable object to admit California. I do not conceal from myself, nor do I wish to conceal from others, that California is before us with some degree of irregularity stamped upon her proceedings. She has not been through the previous process of territorial existence. She has formed her constitution without our consent. But I look upon it, sir, that California, from the extraordinary circumstances which have attended her birth and progress to the present moment, entitles herself, from the necessity of the case, to an exception from the ordinary rules. Who expected to see such a great community springing up in such an incredibly short time? Who expected to see 100,000 or 150,000 people engaged in such an employment, with so much activity, and enterprise, and commerce, drawing to themselves the admiration and regard of the whole world, in the period of a few months? Well, sir, she comes to us with a constitution framed upon republican models, and conformable to the Constitution of the United States; and under these circumstances, still admitting her application as premature and irregular, I am for admitting her, as there has been nothing done which her admission on our part will not cure. She will be lawfully in the Union, if we admit her, and therefore I have no hesitation upon that point.

Then, with respect to the Territories: I have been and I am of opinion that we should not separate at the end of this session of Congress without having made a suitable provision for their government. I do not think it safe to allow things to stand as they are. It has been thought that there may be such a thing as admitting California, and stopping there. Well, it is not impossible, in the nature of things, that such a course of policy should be adopted, if it would meet the proper concurrence. But then I have always supposed, sir, that if we were now acting upon California as a separate measure, and should, in the prosecution of that measure, admit her into the Union, the inquiry would immediately arise,

What then, or what next? I have never supposed that the questions respecting the Territories would thereby be put to rest, even for the present. I have supposed, on the contrary, that the very next thing to be done would be, to take up the subject of the necessity of a government for the Territories, and prosecute that subject until it should be in some manner terminated by Congress, to the exclusion of all ordinary subjects of legislation. I am not authorized to say, sir, I do not know, the opinion of the honorable members of the Committee on Territories: here sits near me the honorable member from Illinois, who is at the head of that committee, and I take it for granted that he can say whether I am right or not, that if we should this day admit California alone, he would to-morrow feel it his duty to bring in a bill for the government of the Territories, or to make some disposition of them.

Mr. DOUGLAS, (in a low voice.) Does the Senator wish an answer?

Mr. WEBSTER. I should like to know the honorable member's purpose.

Mr. DOUGLAS. Mr. President, if California should be admitted by herself, I should certainly feel it my duty, as the chairman of the Committee on Territories, to move to take up the subject of the Territories at once, and put them through, and also the Texas boundary question, and to settle them by detail, if they are not settled in the aggregate, together. I can say such is the opinion and determination of a majority of that committee.

Mr. WEBSTER resumed. Then, sir, it is as I supposed. We should not get rid of the subject, even for the present, by admitting California alone. Now, sir, it is not wise to conceal from ourselves our condition. Suppose we admit California alone. My honorable friend from Illinois brings in, then, a bill for a territorial government for New Mexico and Utah. We must open our eyes to the state of opinion in the two Houses respectively, and endeavor to foresee what would be the probable fate of such a bill. If it be a bill containing a prohibition of slavery, we know it could not pass this House. If it be a bill without such prohibition, we know what difficulty it would encounter elsewhere. So that we very little relieve ourselves from the embarrassing circumstances of the condition in which we are placed, by taking up California and acting upon it, alone. I am therefore, sir, decidedly in favor of passing the bill in the form in which it is upon your table.

But, sir, if it be the pleasure of the Senate to approve the motion which it is proposed to make to the Senate, shortly, for laying this whole measure upon the table, and thereby disposing of this bill, I can only, for one, say that if this measure be defeated by that proceeding, or any other, I hold myself not only inclined, but bound, to consider any other measures which may be suggested; because the case is pressing, and the circumstances of the country are urgent. When in the world have we had any foreign question, if I may say so, any exterior question, that has occupied the consideration of Congress for seven months, and yet been brought to no result? When have we had a subject before us that has paralyzed all the operations of Government, that has displaced the regular proceedings of the two Houses of Congress, and has left us at the end of seven months of a session, without the ordinary annual appropriation bills? When have we ever had before, in the history of this Government, such an occurrence as that? What is now proposed, is, to make a territorial government for New Mexico and Utah, without restriction. I feel authorized to assume, from the circumstances before us, that it is in the power of gentlemen of the South to decide whether this territorial government without restriction, as provided in this bill, shall be established or not. I have voted against restriction for the reasons which I have already given to the Senate, and may repeat, but it now lies with Southern gentlemen to say whether this bill, thus providing for territorial governments without restriction, shall pass or not; and they will decide that question, doubtless, by reference to what is likely to happen, if it should not pass. Now, sir, I am prepared to say that if this measure does not pass, I am

ready to support other proper measures that can pass, and will pass. I shall never consent to end this session of Congress until some provision be made for New Mexico. Utah is less important. Let her repose herself upon the borders of the Salt Lake another year, if necessary. But as to New Mexico, situated as she is, with a controversy on hand, as she has, with her more powerful neighbor, Texas, I shall never consent to the adjournment of Congress without a provision made for avoiding a collision, and for the settlement of the point in controversy between that Territory and that State. I have the strongest objection to a premature creation of States. I stated that objection at large in the Senate, some two years ago. The bringing in of small States with a representation in the Senate equal to the representation of the largest States in the Union, and with a very small number of people, deranges and disturbs the proper balance between the Senate and the House of Representatives in Congress. It makes the Senate a kind of oligarchy. There may be six, or eight, or ten small States in the southwest, having as many Senators in Congress as they have Representatives. This objection is founded upon the incongruity which such a case produces in the constitutional relation of the Senate and the House. It disfigures the symmetry of the Government; and in this respect it does not make the slightest possible difference, in my estimation, whether they are to be free States or slave States. I am not disposed to make a Territory, that is immature and not fit to come into the Union, on account of want of population, a State, merely because it will be a free State. That does not weigh with me a hair. But my objection has been and is, as I have stated or attempted to state, that the admission of such States, with such small amounts of population, deranges the system. It makes the Senate what it was never intended by the Constitution to be. Nevertheless, sir, as I favor the admission of California, although she presents herself before us with some irregularity in her course of proceedings, so there are greater evils, in my judgment, than the admission of New Mexico as a State, now, at once, or the provision that she shall be admitted in a certain time hereafter. I do not think that so great an evil as it would be to leave New Mexico without a government, without protection, on the very eve of probable hostility with Texas, so far as I can discern; for, to my mind, there is the highest degree of probability that there will arise collisions, contests, and, for aught I know, bloodshed, if the boundaries of New Mexico shall not be settled by Congress.

Sir, I know no question so important, connected with all these matters, as this settlement of the Texan boundary. That immediately and intimately, in my judgment, touches the question of the duration of peace and quiet in the country; and I cannot conceive how gentlemen, looking upon that subject in all its aspects, can content themselves with the idea of retiring from their seats here, and leaving it where it is. I should be derelict to my duty if I did not persist, to the last, in bringing it to a decision by the authority of Congress. If a motion be made, as it has been announced to be intended to be made, to lay this bill upon the table, and that motion prevails, this measure is at an end. Then there must be a resort to some other measures; and I am disposed to say that, in case of the failure of this bill, I shall be in favor of a bill which shall provide for three things, viz: The admission of California with its present constitution and boundaries, the settlement of the Texan boundary, and the admission of New Mexico as a State. Such a measure will produce a final termination of the controversies which now agitate us, and relieve the country from distraction.

Sir, this measure is opposed by the North, or some of the North, and by the South, or some of the South; and it has the remarkable misfortune to encounter resistance by persons the most precisely opposed to each other in every matter connected with the subject under consideration. There are those—I do not speak, of course, of members of Congress, and I do not desire to be understood as

making any allusion whatever, in what I may say, to members of this House or of the other—there are those in the country who say, on the part of the South, that the South by this bill gives up everything to the North, and we will fight it to the last; and there are those, on the part of the North, who say that this bill gives up everything to the South, and we will fight it to the last. And really, sir, strange as it may seem, this disposition to make battle upon the bill, by people who never agreed in anything before under the light of Heaven, has created a sort of fellowship and good feeling between them. One says, Give me your hand, my good fellow; you mean to go against this bill to the death, because it gives up the rights of the South; I mean to go against the bill to the death, because it gives up the rights of the North; let us shake hands and cry out, “Down with the bill;” and then unitedly raise the shout, “A day, an hour, of virtuous liberty is worth a whole eternity in bondage!” Such is the consistency of the opposition to this measure.

Now, sir, I ascribe nothing but the best and purest motives to any of the gentlemen, on either side of this chamber, or of the other House, who take that view of this subject which differs from my own. I cannot but regret, certainly, that gentlemen who sit around me, and especially my honorable colleague, and my friends from Massachusetts in the other House, are obliged, by their sense of duty, to oppose a measure which I feel bound by my conscience to support to the utmost of my ability. They are just as high minded, as patriotic, as pure, and every way as well-intentioned as I am; and, sir, if it was put to a vote, and the thing were to be decided by a majority, I must confess my friends from Massachusetts could outvote me. But still my own opinions are not changed, not in the least degree changed. I feel that every interest of the State, one of whose representatives I am, as well as every great interest of the whole country, requires that this measure, or some equivalent measure, as healing, composing, and conciliatory as this, should be adopted by Congress before its adjournment. That is my object, and I shall steadily pursue it.

Let us examine this. If I may analyze the matter a little both in regard to the North and the South, Massachusetts, being a northern State, may be taken as an example, or a sample, of northern interests. What does she gain by this bill? What does she lose by it? If this bill passes, Massachusetts and the North gain the admission of California as a free State, with her present constitution, a very intensely desirable object, as I believe, to all the North. She gains that. She gains, also, the quieting of the New Mexican question and the Texas boundary, which, in my judgment, as I have already said, is the most important of all these questions, because it is the most immediately menacing evil consequences, if such consequences be not arrested by this or some similar measure. She gains the quiet of New Mexico, and she gains the settlement of the Texas boundary—objects all desirable and most important. More than that, sir, she gains, and the whole North gains, and the whole country gains, the final adjustment of by far the greatest part of all the slavery questions. When I speak of this bill in that connexion, I mean also to connect it with the other subjects recommended by the committee; and I say that if the whole report of that committee could be carried out, one of the greatest of all possible benefits will be secured; that is, the settlement, to an extent of far more than a majority of them all, of the questions connected with slavery which have so long agitated the country. And then, sir, Massachusetts, and the North, and the whole country, gain the restoration of this Government to the ordinary exercise of its functions. The North and the South will see Congress replaced in its position of an active, beneficial, parental legislation for the whole country. Consider, sir, what has happened? While it is of the utmost importance that this restoration to the exercise of its ordinary functions by Congress should be accomplished, here we are, seven or eight months from the beginning of the session, hardly able to keep the Government alive. All is

paralysis. We are nearly brought to a stand. We are all suspended upon this one topic, this one idea, as if there were no object in government, no uses in government, no duties of those who administer government, but to settle one question.

Well, sir, the next inquiry is, What do Massachusetts and the North, the anti-slavery States, lose by this adjustment? What is it they lose? I put that question to every gentleman here, and to every man in the country. They lose the application of what is called the Wilmot Proviso to these Territories, and that is all. There is nothing else that I suppose the whole North are not willing to do, or willing to have done. They wish to get California into the Union and quiet New Mexico; they wish to terminate the dispute about the Texan boundary, cost what it reasonably may. They make no sacrifice in all these. What they sacrifice is this: The application of the Wilmot Proviso to the Territories of New Mexico and Utah, and that is all. Now, what is the value of that loss, or that sacrifice, in any reasonable man's estimate? The value of it, sir, depends upon its necessity. If, in any reasonable man's judgment, the necessity of the application of that Proviso to New Mexico is apparent, why, then, there is value in it to those who hold that the further extension of slavery is to be resisted, as a matter of principle. But if it be not necessary, if circumstances do not call for it, why, then, there is nothing in the Wilmot Proviso, and no sacrifice made in refusing, or declining to apply it. That is the question.

Now, sir, allow me to say, that the Wilmot Proviso is no matter of principle; it is a means to an end; and it cannot be raised to the dignity of a principle. The principle of the North I take to be, that there shall be no further extension of slave territory. Let that be admitted; what then? It does not necessarily follow that in every case you must come down with a Wilmot. If there are other circumstances that are imperative and conclusive, and such as influence and control the judgment of reasonable men, rendering it unnecessary, for the establishment of that principle, to apply a measure which is obnoxious and disagreeable to others, and, regarded by them as derogatory to their equality as members of the Union, then, I say, it is neither high, nor patriotic, nor just to apply it.

My honorable colleague admitted the other day, with great propriety and frankness, that if it could be made certain, or if it were certain, that natural causes necessarily exclude slavery from New Mexico, then the restriction ought not to be inserted in the bill. Now, by certainty, I suppose my colleague meant not mathematical certainty; I suppose he meant that high probability, that moral certainty, which governs men in all the concerns of life. Our duties to society, our objects in society, are all measured by that high probability, which is something short of mathematical certainty, but which we are bound to act upon in every transaction of daily life, either in a public or in a private capacity. Now, the question, therefore—I address myself to gentlemen of the North—is this: Is the probability of the exclusion of slavery from New Mexico by natural causes so high, and strong, and conclusive, as that we should act upon it as we act on the same degree of probability, applied to other questions, in civil, moral, and social relations? I shall not recur to what I have said, myself, heretofore, on this subject; for I suppose my friend from Pennsylvania, (Mr. COOPER,) and my friend from Connecticut, (Mr. SMITH,) who discussed this matter latterly, have left it proved, and as much demonstrated as any problem of a moral and political character can be demonstrated, that it is true, that New Mexico is not a country in which slavery exists, or into which it ever can be introduced. If that were not so upon previous evidence, and if now anything further need be added, we have before us, to-day, an authentic expression of the will of the inhabitants of that country themselves, who, it is agreed on all hands, have the ultimate right of decision on a subject that concerns themselves alone, and that expression is altogether against slavery.

What is it, then, that is yielded by the North but a mere abstraction, a naked

possibility, upon which no man would act? No man would venture a farthing now for a great inheritance to be bestowed on him when slavery should be established in New Mexico. Now that there is an authentic declaration upon the subject by the people of New Mexico themselves, what is there that should lead us to hesitate in settling this matter? Why should we proceed upon the ground of an abstract notion of adhering to the Wilmot Proviso? And I must be permitted to say that, as applied to this case, it is all an abstraction. I do not mean to say that the injunction against slavery in the ordinance of 1787 was a mere abstraction; on the contrary, it had its uses; but I say the application of that rule to this case is a mere abstraction, and nothing else. It does not affect the state of things in the slightest degree, present or future. Every thing is to be now, and remain hereafter, with or without that restriction, just as it would the other way. It is, therefore, in my judgment, clearly an abstraction.

I am sorry, sir, very sorry, that my friend from Connecticut, (Mr. SMITH,) who has studied this case a great deal more than I have, studied it while he was a member of the other House, and has demonstrated, beyond the power of any conscientious man's denial, that there can be no slavery in the Territory about which we are speaking, that the South is mistaken in supposing that it was possible to derive any benefit from it, and that the North is mistaken in supposing that that which they desire to prohibit will ever need any prohibition there, I am sorry to see that my very able friend, having demonstrated the case, did not carry out his own demonstration. The expression of his purpose to vote against this bill followed one of the clearest and strongest demonstrations in its favor, that I have heard from the mouth of man. What is the reason of his opposition? Why, the gentleman said he was instructed by his legislature to oppose it; and, on the whole, he did not feel it to be his duty to depart from those instructions.

It has become, sir, an object of considerable importance in the history of this Government to inquire how far instructions, given *ex parte* and under one state of circumstances, are to govern those who are to act under another state of circumstances, and not upon an *ex parte* hearing, but upon a hearing of the whole matter. The proposition, that a member of this Government, in giving a vote to bind all the country, is to take as his instructions the will of a small part of the country, whether in his own State or out of it, is a proposition that is above or below all argument. Where men are sworn to act conscientiously for the good of the whole, according to their own best judgments and opinions, if the proposition is asserted that they are, nevertheless, bound to take the individual opinion of a few, and be exclusively bound by that opinion, there is no room for argument; every man's moral perception, without argument, decides on such a proposition. I know, sir, that in a popular Government like ours, instructions of this sort will be given, and pledges required. It is in the nature of the case; political men in this country love the people; they love popular applause and promotion, and they are willing to make promises; and, as in other sorts of love, so in this, when the blood burns, the soul prodigally gives the tongue vows. It is the case, especially in some States, in which, in electioneering contests, instructions become little constitutions, which men vow to support. These instructions are often given under circumstances very remote from those that exist when the duty comes to be performed; and, I am sorry to say, they are often given on collateral considerations. I will not say when or where, how remotely, or how lately; but I am very much inclined to think that we should find in the history of the country, cases in which instruction are ready to be given, or ready to be withheld, as the support of some little fragment of some sectional party may be, or may not be, obtained thereby.

Sir, it is curious enough to observe how this idea, that a member chosen into a public body to act for the whole country, is bound, nevertheless, by the instructions of those who elected him, which has risen to a sort of rule, in some of the Ameri-

can States, is differently received and treated elsewhere. According to our notions and habits of thinking, it is not only allowable, but incumbent upon a member of Congress, in the opinion of many, to follow the instructions given by his own particular constituents, although his vote affects the interest, the honor, the glory, the renown of twenty millions of people. As an instance, sir, of the various views taken of this subject, as a question of morals, I may refer to what happened in the Chamber of Deputies of France some years ago, perhaps while the honorable member from Michigan was residing in Paris, but more probably shortly after his return. A gentleman, who was a candidate for the Chamber of Deputies in France, promised his constituents that on a certain measure, expected to come before the chamber, he would vote as they required. They required him to vote so and so, and he said he would do it. Well, sir, he was chosen; and when he came to the Chamber to take the oath of office, he was told: Not so fast! Objection was made. The Chamber said he did not come there as a fair man; he did not come as an impartial man, to judge of the interests of the whole country upon the great questions that were to come before the Chamber. He was pledged and trammelled; he had given up his conscience and promised his vote, and therefore did not stand on an equality with other members of that assembly who came unpledged and untrammelled, and bound to exercise their own best judgments. In short, they rejected him; and whoever wishes to see the most beautiful disquisition upon political morals, and the duty of those who represent the people, that I know of since the time of Mr. Burke's speech at Bristol, can be gratified by reading Monsieur Guizot's speech on that occasion. The member came under pledges made to a few to give his vote for them, although it might be against the many, and they held him not to be a worthy representative of France, fit to act on the questions which concerned the interests of the whole kingdom. For my part, sir, I know how easily we glide into this habit of following instructions. Although I know, too, that members of Congress wish to act conscientiously always, and I believe they wish themselves free from these trammels. But the truth is, that under the doctrine of instructions Congress is not free. To the extent to which this doctrine may at any time prevail in it, the two Houses are not deliberative bodies. Congress needs a "Wilmot Proviso," much more than the snow-capped mountains of New Mexico, or the salt plains of Utah. If the genius of American liberty, or some angel from a higher sphere, could fly over the land with a scroll bearing words, and with power to give effect to those words, and those words should be: "Be it ordained that neither in the Senate nor in the House of Representatives in Congress assembled, shall there be slavery or involuntary servitude, except for crime," it would be a glorious crowning honor and felicity, to the Constitution of the United States. O! thou spirit of Nathan Dane! How couldst thou take so much pains to set men's limbs and motions free in the Territories, and never deign to add even a proviso, in favor of the freedom of opinion and conscience in the halls of Congress!

Sir, I am of opinion that every public consideration connected with the interests of the State, one of whose representatives, and the most humble of them all, I am, shows the absolute necessity of settling this question at once, upon fair and reasonable terms; the necessity of judging subjects according to their real merit and importance, and acting accordingly; and that we should not be carried away by fancies of gorgons, hydras, and chimeras dire, to the utter disregard of all that is substantially valuable, important, and essential in the administration of the Government. Massachusetts, one of the smallest of the States of the Union, circumscribed within the limits of 8,000 square miles, of barren, rocky, and sterile territory, possesses within its limits at this moment a million of people. With the same ratio of population, New York would contain nearly 6,000,000 people, and Virginia more than 7,000,000. What are the occupations and pursuits of such a population on so small a territory? A very small portion

of them live by the tillage of the land. They are engaged exactly in those pursuits which fall under the control, protection, and regulation of the laws of this Government. These pursuits are, commerce, navigation, the fisheries, and manufactures; every one of which is under the influence of the operation of acts of Congress every day. On none of these subjects does Congress ever pass a law that does not materially affect the happiness, industry, and prosperity of Massachusetts; yes, and of Rhode Island too, [looking at the Rhode Island Senators.] Is it not, then, of great importance to all these interests that the Government should be carried on regularly? that it should have the power of action, of motion, and legislation? Is it not the greatest calamity, that it should be all paralyzed, hung up, dependent upon one idea, as if there was no object in government, no use in government, no desirable protection from government, and no desirable legislation by government, except what relates to the single topic of slavery?

I cannot conceive that these great interests would be readily surrendered by the business men of the country, the laboring community of the Northern States, to abstractions, to naked possibilities, to idle fears, that evils may ensue if a particular abstract measure be not passed. Men must live; to live, they must work. And how is this to be done, if in this way all business of society is stopped, and every thing is placed in a state of stagnation, and no man knows when to expect the hour of his redemption to draw nigh? Depend upon it, the people of the North wish to see an end put to this state of things; they desire to see a measure of conciliation pass, and harmony restored; and to be, again, in the enjoyment of a good government, under the protection and action of good laws, and that their interrupted labors may be profitably resumed; that their daily employment may return; that their daily means of subsistence and education for themselves and their families may be provided. There has not been, in my acquaintance with the people of this country, a moment in which so much alarm has been experienced, so much sinking of the heart felt, at the state of public affairs, in a time of peace, as now. I leave it to others to judge for themselves, who may better know public opinion; but, for my part, I believe it is the conviction of five-sixths of the whole North, that questions such as have occupied us here should not be allowed any longer to embarrass the Government, and defeat the just hopes of those who support the Government and expect to live under its protection and care.

I have alluded to the argument of my friend from Connecticut, because it is the ablest argument on this subject that I have heard; and I have alluded to his intimated vote as illustrating what I consider the evil of instructing men, before a case arises, as to what shall be their conduct upon that case. The honorable member from Connecticut is as independent as any other man, and of course will not understand me to mean anything personal in what I have said. I take his case merely as an illustration of the folly and absurdity of instructions. Why should a man of his strength of intellect, and while acting for the whole country, be controlled in his judgment by instructions given by others, with little knowledge of the circumstances, and no view of the whole case?

I have now, Mr. President, said what I think the North may gain, and what it may lose. Now let us inquire how it is with the South. In the first place, I think that the South, if all these measures pass, will gain an acceptable and satisfactory mode for the reclamation of fugitive slaves. As to the territorial acquisitions, I am bound in candor to say, taking Maryland as an example, for instance, that Maryland will gain just what Massachusetts loses, and that is nothing at all; because I have not the slightest idea that, by anything that we can do here, any provision could be made by which the territory of New Mexico and Utah could become susceptible of slave labor, and so useful to the South. Now, let me say, Mr. President, with great respect and kindness, that I wish Southern gentlemen should consider this matter

calmly and deliberately. There are none in this chamber, certainly, who desire the dissolution of this Union, nor in the other House of Congress. But all the world out of doors is not as wise and patriotic as all the world within these walls; and I am quite aware that there are those who raise the loudest clamor against the Wilmot Proviso, and other restrictions upon slavery, that would be exceedingly gratified, nevertheless, to have that restriction imposed. I believe there are those stretched all along from here to the Gulf of Mexico who would say, "Let them put on further restrictions; let them push the South a little further, and then we shall know what we have to do." But, again, the Southern States gain what they think important and gratifying; that is, an exemption from a derogatory inequality. They find themselves placed where they wish to be placed, and, as far as the Territories are concerned, relieved from what they consider the Wilmot yoke. This appeases a feeling of wounded pride; and they gain, too, the general restoration of peace and harmony in the progress of the Government, in the beneficial operation of which they have a full share. One of the evils attendant upon this question, is the harsh judgment passed by one portion of the Union upon another, founded not on the conduct of the North or South generally, but on the conduct of particular persons or associations in each part respectively. Unjust charges are made by one against the other, and these are retaliated by those who are the objects of them. Accusations made by individuals in the North are charged by the South upon the whole North indiscriminately. On the other hand, extravagant individuals at the South utter objectionable sentiments; and these are bruited all over the North as Southern sentiments, and therefore the South is denounced. In the same way, sentiments springing from the abolitionists of the North, which no man of character and sense approves, are spread in the South; and the whole North is there charged as abolitionists, or being tainted with abolitionism. Now, one side is just as fair and as true as the other. It is a prejudice, of which both sides must rid themselves, if they ever mean to come together as brethren, enjoying one renown, one destiny, and expecting one and the same glory hereafter. If we mean to live together, common prudence should teach us to treat each other with respect.

The Nashville address has been alluded to, and it has been charged upon the whole South, as a syllabus of Southern sentiments. Now, I do not believe a word of this. Far be it from me to impute to the South, generally, the sentiments of the Nashville Convention. That address is a studied disunion argument. It proceeds upon the ground that there must be a separation of the States, first, because the North acts so injuriously to the South that the South must secede; and, secondly, even if it were not so, and a better sense of duty should return to the North, still such is the diversity of interest, that they cannot be kept together.

Mr. BARNWELL, (interposing.) Will the honorable Senator refer to that portion of the address which contains the sentiment which he declares contains the desire for disunion in any event whatever; for that I understand is the charge against the address?

Mr. WEBSTER. What I understand about this address is this: I say the argument of the address is, that the States cannot be kept together; because, first, the general disposition of the North is to invade the rights of the South, stating this in general language merely; and then, secondly, even if that were not so, and the North should get into a better temper in that respect, still no permanent peace could be expected, and no union long maintained, on account of the diversity of interests between the different portions of the Union. There is, according to the address, but one condition on which people can live together under the same government; and that is, where interests are entirely identical. An exact identity of interest, according to their notions, is the only security of good government.

Mr. BARNWELL. With regard to the first part, the honorable Senator is cor-

rect, and I have no doubt at all that is the character of the address, that, unless a great change be produced in the temper of the Northern people, and the treatment which they give to us on account of our institutions, no permanent union between us could exist. With regard to the latter part, I contend that the address contains no such sentiment. It states distinctly that, in the position which the different portions of the Union occupy with regard to each other, with the want of that identity of interest between them, it is absolutely essential to the South that its sectional interests should be independent of the control of the North.

Mr. WEBSTER. And what does that mean but separation?

Mr. BARNWELL. Not at all. It means what I have always alleged, that the North has no right to interfere with the institution of slavery. If that interference is stopped, we do not contend that there is any necessity for a dissolution of the Union. But if it is persisted in, then the opinion of the address is, and I believe the opinion of a large portion of the Southern people is, that the Union cannot be made to endure.

Mr. WEBSTER. It is hardly worth while, as the paper is not before us, for the honorable member from South Carolina and myself to enter into a discussion about this address. If I understand its argument, it is as I expressed it, that even if the North were better behaved, there is a want of identity of interests between the North and the South which must soon break up the Union. As far as regards the other remark, that the North must abstain from any interference with the peculiar institutions of the South, why, every sensible man in the North thinks exactly so. I know that the sensible men of the North are of opinion, that the institution of slavery, as it exists in the States, was intended originally to be, has ever been, and now justly is, entirely out of the scope and reach of the legislation of this Government; and this every body understands.

But I was saying that I can and shall not impute any sentiment of disunion to the South, generally. Why, whom do I sit among? With whom have I been associated here for thirty years? With good Union men from the South. And in this Chamber, and in late years, have there not been men from the South who have resisted every thing that threatened danger to the Union? Have there not been men here that, at some risk of losing favor with their own people at home, have resisted the Mexican war, the acquisition of territory by arms, nay, men who played for the last stake, and resisted the ratification of the treaty after the conquest was made, by which these Territories were brought under the control of this Government? Sir, with these recollections, which do so much honor to the character of these gentlemen, and with these acts, which attest the entire loyalty of the great body of the South to the Union, I shall indulge in no general complaint against them; nor, so far as it comes within the power of my rebuke, will I tolerate it. They have the same interests, they are descended from the same revolutionary blood, and believe the glory of the country to be as much theirs as ours; and I verily believe they desire to secure as perpetual an attachment to the North as the most intelligent men of the North do to perpetuate such an attachment with the South. I believe that the great masses of the people, both North and South, aside from the influence or agitation, are for the Union and for the Government; and God grant that they may remain so, and prevent every thing which may overturn either the one or the other! [Applause. instantly checked by the President.]

I was sorry to hear, because I thought it was quite unjust, that all the folly and madness of the recent expedition to Cuba was chargeable upon the South, generally. The South had nothing more to do with it than Massachusetts, or the city of Boston, or the city of New York. It is unjust to say that such a violation of the law was perpetrated by the South, or found more apology or justification in the general Southern mind, than it found in New York or in Massachusetts.

Mr. BUTLER, (in his seat.) Not a bit more.

Mr. WEBSTER. Now, the Senator from Connecticut told the truth the other day, and I am obliged to him for telling the truth. [Laughter.] I do not mean that it is unusual for him, [renewed laughter,] but I mean that it is a great deal more unusual, in the course of this debate, to hear the real truth spoken, than to hear ingenious sophisms, and empty abstractions. But he told us the truth in respect to these territorial acquisitions: that it was not the North or the South that were the real authors of that conquest, but that it was the party that supported Mr. Polk for the Presidency, and that supported his measures while in the Presidency. The South, undoubtedly, as the party most in favor of the administration, took the lead; and that part of the North that upheld the administration followed, not as little Iulus followed his father—"non passibus equis"—but with the same stride as its leaders. And therefore I was glad that my honorable friend from Connecticut, instead of giving us a normal, stereotyped speech against the South, told the truth of these transactions.

There are other topics, which I pass over. I said something formerly about the imprisonment of the black citizens of the North who go south, engaged in navigation, and are there arrested. That is a serious business, and we see that England has complained of it, as violating our treaty with her. I think that it is an evil that ought to be redressed; for I never could see any necessity for it, and am fully persuaded that other means can be taken to relieve the South from alarm without committing an outrage upon those who, at home, are considered as American citizens. At the same time I am bound to say that I know nothing in the world to prevent any free citizen of Massachusetts, imprisoned under the laws of South Carolina, from trying the question of the constitutionality of that law, by applying at once to any judge of the United States for a writ of *habeas corpus*. I do not think, therefore, that there was any great necessity of making it a matter of public embassy. I think that was rather calculated to inflame feeling, than to do good. But I must say, as I have said heretofore, that the gentleman who went from Massachusetts was one of the most respectable men in the Commonwealth, bearing an excellent character, of excellent temper, and every way entitled to the regard of others, to the extent to which he has enjoyed the regard of the people of Massachusetts.

Sir, I was in Boston some month or two ago, and, at a meeting of the people, said, that the public mind of Massachusetts, and the North, was laboring under certain prejudices, and that I would take an occasion, which I did not then enjoy, to state what I supposed these prejudices to be, and how they had arisen. I shall say a few words on the subject now. In the first place, I think that there is no prejudice on the part of the people of Massachusetts or of the North, arising out of any ill-will, or any want of patriotism or good feeling, to the whole country. It all originates in misinformation, false representation, misapprehensions arising from those laborious efforts that have been made for the last twenty years to pervert the public judgment, and irritate the public feeling.

The first of these misapprehensions is an exaggerated sense of the actual evil of the reclamation of fugitive slaves, felt by Massachusetts and the other New England States. What produced that? The cases do not exist. There has not been a case within the knowledge of this generation, in which a man has been taken back from Massachusetts into slavery by process of law, not one; and yet there are hundreds of people, who read nothing but abolition newspapers, who suppose that these cases arise weekly; that, as a common thing, men, and sometimes their wives and children, are dragged back from the free soil of Massachusetts into slavery at the South.

Mr. HALE, (interposing.) Will the honorable Senator allow me to ask him a question? Is he not mistaken in the point of fact in regard to the State of

Massachusetts? I recollect something occurring in Massachusetts, not more than three or four years ago, in relation to a man by the name of Pierson, and that there was a large public meeting on the subject in Faneuil Hall.

Mr. WEBSTER. I will state how that was. That was a case of kidnapping by some one who claimed, or pretended to claim, the negro, and ran away with him by force. What I mean to say is, that there has been no man, under the Constitution and laws of the country, sent back from Massachusetts into slavery, in this generation. I have stated before, and I state now, that cases of violent seizure or kidnapping have occurred, and they may occur in any State in the Union, under any provisions of law, and in respect to black persons or white persons.

Now, sir, this prejudice, made by the incessant attrition on the public mind by abolition societies, abolition presses, and abolition lecturers, has grown very strong. No drum-head, in the longest day's march, was ever more incessantly beaten and smitten, than public sentiment in the North has been, every month, and day, and hour, by the din, and roll, and rub-a-dub of abolition writers and abolition lecturers. That it is which has created the prejudice.

Sir, the principle of the restitution of runaway slaves is not objectionable, unless the Constitution is objectionable. If the Constitution is right in that respect, the principle is right, and the law providing for carrying it into effect is right. If that be so, and if there be no abuse of the right under any law of Congress, or any other law, then what is there to complain of?

I say, sir, that not only has there been no case, so far as I can learn, of the reclamation of a slave by his master, which ended in taking him back to slavery in this generation, but I will add that, so far as I have been able to go back in my researches, as far as I have been able to hear and learn in all that region, there has been no one case of false claim. Who knows in all New England of a single case of false claim having ever been set up to an alleged fugitive from slavery? It may possibly have happened; but I have never known it nor heard of it, although I have made diligent inquiry; nor do I believe there is the slightest danger of it, for all the community are alive to, and would take instant alarm at, any appearance of such a case, and especially at this time. There is no danger of any such violation being perpetrated. Before I pass from this subject, sir, I will say that what seems extraordinary is this, that this principle of restitution, which has existed in the country for more than two hundred years without complaint, sometimes as a matter of agreement between the Northern colonies and the South, and sometimes as a matter of comity, should all at once, and after the length of time I have mentioned, become a subject of excitement. I happen to have in my hand a letter from Gov. Berkely, the governor of Virginia, to Gov. Winthrop, of Massachusetts, written in the year 1644—more than two hundred years ago—in which he says that a certain gentleman (naming him) had lost some servants, whom he supposes to have run away, giving their names, into the jurisdiction of Massachusetts; and the member from Kentucky [Mr. CLAY] will be pleased to learn that it contains a precedent for what he considers to be the proper course of proceeding in such cases. Gov. Berkely states that the gentleman, the owner of the slaves, has made it appear in court that they are his slaves and have run away. He goes on to say, "We expect you to use all kind offices for the restoration to their master of these fugitives, as we constantly exercise the same offices in restoring runaways to you." At that day I do not suppose there were a great many slaves in Massachusetts; but there was an extensive system of apprenticeship, and hundreds of persons were bound apprentices in Massachusetts, some of whom would run away. They were as likely to run to Virginia as any where else; and in such cases they were returned, upon demand, to their masters. Indeed it was found necessary in the early laws of Massachusetts to make provision for the seizure and return of runaway apprentices. In all the revi-

sions of our laws, this provision remains; and here it is in the revised statutes now before me. It provides that runaway apprentices shall be secured upon the application of their masters, or any one on their behalf, and put into jail until they can be sent for by their masters; and there is no trial by jury in their case, either. I say, therefore, that the exaggerated statement of the danger and mischief arising from this right of reclaiming slaves is a prejudice, produced by the causes I have stated, and one which ought not longer to haunt and terrify the public mind.

With great respect, I will also state that I think it is a prejudice to insist with so much strength upon the application of the "Wilmot Proviso" to these Territories of New Mexico and Utah, because of its apparent inapplicability, and the want of all reasonable necessity for making that application in the manner proposed, and as it is offensive and affronting to gentlemen from Southern States.

Another prejudice against the South is just exactly that which exists in the South against the North, and consists in imputing to a whole portion of the country the extravagances of individuals.

Sir, I dwell no longer upon these subjects, into which I was led rather incidentally by a remark of my own, as I have said, in Boston.

But I return for a few moments to the general question. I will say, however, before I depart from this part of the case, that the State in whose representation I bear a part, is a Union State, thoroughly and emphatically; that she is attached to the Union and the Constitution by inseparable ties; that she connects all her own history from colonial times, her struggle for independence, her efforts for the establishment of this Government, and all the benefits and blessings which she has enjoyed under it, in one great attractive whole, to which her affections are constantly and powerfully drawn. All these make up a history in which she has taken a part, and the whole of which she enjoys as a most precious inheritance. She is a State for the Union; she will be for the Union. It is the law of her destiny: it is the law of her situation: it is a law imposed upon her by the recollections of the past, and by every interest of hers for the present, and every hope of hers for the future.

Mr. President, it has always seemed to me to be a grateful reflection that, however short and transient may be the lives of individuals, States may be permanent. The great corporations that embrace the government of mankind, protect their liberties, and secure their happiness, may have something of perpetuity, and as I might say, of immortality. For my part, sir, I gratify myself by contemplating what in the future will be the condition of that generous State, which has done me the honor to keep me in the counsels of the country for so many years. I see nothing about her in prospect, less than that which encircles her now. I feel that when I, and all those that now hear me, shall have gone to our last home, and afterwards, when mould may have gathered upon our memories, as it will have done upon our tombs, that State, so early to take her part in the great contest of the Revolution, will stand, as she has and does now stand, like that column which, near her Capitol, perpetuates the memory of the first great battle of the Revolution, firm, erect, and immovable. I believe, sir, that if commotion shall shake the country, there will be one rock forever, as solid as the granite of her hills, for the Union to repose upon. I believe that if disasters arise, bringing clouds which shall obscure the ensign now over her and over us, there will be one star that will but burn the brighter amid the darkness of that night; and I believe that, if in the remotest ages—I trust they will be infinitely remote—an occasion shall occur when the sternest duties of patriotism are demanded and to be performed, Massachusetts will imitate her own example; and that, as at the breaking out of the Revolution, she was the first to offer the outpouring of all her blood

and all her treasure in the struggle for liberty, so she will be hereafter ready, when the emergency arises, to repeat and renew that offer, with a thousand times as many warm hearts, and a thousand times as many strong hands.

And now, Mr. President, to return at last to the principal and important question before us: What are we to do? How are we to bring this emergent and pressing question to an issue and an end? Here have we been seven and a half months, disputing about points which, in my judgment, are of no practical importance to one or the other part of the country. Are we to dwell forever upon a single topic, a single idea? Are we to forget all the purposes for which governments are instituted, and continue everlastingly to dispute about that which is of no essential consequence? I think, sir, the country calls upon us loudly and imperatively to settle this question. I think that the whole world is looking to see whether this great popular Government can get through such a crisis. We are the observed of all observers. It is not to be disputed or doubted, that the eyes of all Christendom are upon us. We have stood through many trials. Can we stand through this, which takes so much the character of a sectional controversy? Can we stand that? There is no inquiring man in all Europe who does not ask himself that question every day, when he reads the intelligence of the morning. Can this country, with one set of interests at the South, and another set of interests at the North, these interests supposed, but falsely supposed, to be at variance, can this people see what is so evident to the whole world beside, that this Union is their main hope and greatest benefit, and that their interests are entirely compatible? Can they see, and will they feel, that their prosperity, their respectability among the nations of the earth, and their happiness at home, depend upon the maintenance of their Union and their Constitution? That is the question. I agree that local divisions are apt to overturn the understandings of men, and to excite a belligerent feeling between section and section. It is natural, in times of irritation, for one part of the country to say, if you do that I will do this, and so get up a feeling of hostility and defiance. Then comes belligerent legislation, and then an appeal to arms. The question is, whether we have the true patriotism, the Americanism, necessary to carry us through such a trial. The whole world is looking towards us with extreme anxiety. For myself I propose, sir, to abide by the principles and the purposes which I have avowed. I shall stand by the Union, and by all who stand by it. I shall do justice to the whole country, according to the best of my ability, in all I say, and act for the good of the whole country in all I do. I mean to stand upon the Constitution. I need no other platform. I shall know but one country. The ends I aim at shall be my country's, my God's, and Truth's. [Applause in the galleries, immediately suppressed by the Chair.] I was born an American; I live an American; I shall die an American; and I intend to perform the duties incumbent upon me in that character to the end of my career. I mean to do this, with absolute disregard of personal consequences. What are personal consequences? What is the individual man, with all the good or evil that may betide him, in comparison with the good or evil which may befall a great country in a crisis like this, and in the midst of great transactions which concern that country's fate? Let the consequences be what they will, I am careless. No man can suffer too much, and no man can fall too soon, if he suffer, or if he fall, in defence of the liberties and Constitution of his country.