

Speech of Hon. Willard P. Hall, of Missouri, on the admission of California. Delivered in the House of Representatives, Tuesday, March 5, 1850.

Hall, Willard P. (Willard Preble), 1820-1882.

Washington, Printed at the Congressional Globe Office, 1850.

<https://hdl.handle.net/2027/loc.ark:/13960/t3bz69176>

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SPEECH

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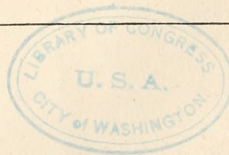
HON. WILLARD P. HALL, OF MISSOURI,

ON

THE ADMISSION OF CALIFORNIA.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, TUESDAY, MARCH 5, 1850.



WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1850.

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WILLIAM L. HALL OF MISSOURI

THE ADMISSION OF CALIFORNIA

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IN THE HOUSE OF REPRESENTATIVES, FEBRUARY, MARCH & APRIL

WASHINGTON:
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THE SLAVE QUESTION.

The House being in Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. HALL said:

Mr. CHAIRMAN: If I were to consult my individual interests, it is probable that I would avoid all discussion of the bill now before the committee. But I would poorly discharge the duties of an American Representative, if personal considerations should induce me to withhold the full and free expression of my opinions with regard to any question of great public importance. I have, therefore, obtained the floor for the purpose of presenting my views with reference to the admission of California into the Union as a State. Before doing this, however, I feel it due to myself to notice a single remark made by the gentleman from Illinois, [Mr. BISSSELL,] in the speech with which he favored us the other day. On that occasion, he thought proper, much to my regret, to introduce Missouri politics into this arena. He went out of his way to applaud the course of one of our Senators during the last summer, and thereby indirectly censured myself and a portion of my colleagues. The honorable member from Illinois is much mistaken in supposing that our complaint against the Senator alluded to, was his charging a portion of the South with favoring disunion. Far from it. We believed, and we still believe, that the Senator's arguments in favor of the constitutionality of the proposition to restrict slavery to its present limits—his declaration that "Congress governs the territory as it pleases, and in a manner incompatible with the Constitution"—his efforts to gain popularity for the Wilmot proviso, by asserting that Jefferson was its author—and his attempts to induce our people to sanction it, by saying that it was unwise for them to oppose it—were calculated, if not intended, to give encouragement to that faction which was so eloquently denounced by the gentleman from Massachusetts, a few days since, and thus to endanger the Union, which we were all so anxious to preserve and perpetuate. Perhaps my friend from Illinois was not aware of these facts. Perhaps, too, he was not aware of this other fact, that the much-applauded Senator was, only a few months ago, opposed to the admission of California as a State. Yet I feel authorized to say, that such was the case. A short time since, I received a letter from one of the most respectable men in Missouri, in which he states:

"I remarked to Colonel BENTON, while in Liberty last summer, that I thought the people of California (I do not

recollect of including New Mexico, but probably did) would form a constitution and State government, and apply for admission into the Union as a State. He replied, promptly, 'I am opposed to it, sir. There is too much of a conglomeration mass there, and it is not the old regular way of doing things.'"

This conduct, on the part of that Senator, together with his virtual denial of the right of the Legislature of each State to instruct its Senators in Congress, forced a large portion of the people of Missouri to abandon him. If any change has recently taken place in his opinions, upon the subjects referred to, I believe that it has been produced by the operation of selfish considerations; and if aught of evil grows out of the condition of things in our State, he will be justly chargeable with having, for the purpose of gratifying his malignant passions, ruined the very men—the Democracy of Missouri—who have made him all that he is. With this notice of the speech of the gentleman from Illinois, I dismiss that subject, and proceed to the examination of the California question.

Mr. Chairman, it has been frequently asserted by gentlemen of this House, during the present session of Congress, that the admission of California into the Union, with her present constitution, would be equivalent to the passage of the Wilmot proviso. As I intend to vote for the admission of California, I feel called upon to notice the charge which has thus been made. On what ground does that charge rest? Why, sir, we are told that the constitution of California prohibits slavery within her limits; that the Wilmot proviso proposes the same thing; and that, therefore, any act of Congress recognizing the one, is just as objectionable as the adoption of the other. From this, to me, novel doctrine, I, as a southern man, and the Representative of a slaveholding constituency, must beg leave to dissent.

The passage of the Wilmot proviso would be an act on the part of Congress of gross injustice, as I conceive, to one half of the States of this Union, tyrannical in its operation upon those immediately to be affected by it, and of doubtful constitutionality. By admitting California into the Union as a State we would perpetrate no such wrong. We would not violate the Constitution. We would only exercise an expressly delegated power. We would not oppress the people of California. We would only give effect to their praiseworthy ambition, by elevating them to the proud station of a member of this great and growing Confederacy. Nor would we, in my opinion, act unjustly towards the South. We would only recognize the right of the people of California to

determine for themselves the question of domestic slavery—a right that is claimed by, and guaranteed to, every State in the Union, by the Constitution under which we live.

Mr. Chairman, a great revolution seems to have been effected in the minds of certain gentlemen, upon the slavery question, within the last few months. Until very recently, I had understood the southern ground to be, that "the right to prohibit slavery in any territory, belongs exclusively to the people thereof, and can only be exercised by them in forming their constitution for a State government, or in their sovereign capacity as an independent State." Such is the very language of a resolution adopted by the Legislature of Missouri at its last session. Some of the citizens of our State assailed the resolution with much bitterness, as being too ultra southern. One of our Senators went so far as to express himself thus with regard to it: "Farewell compromise! farewell concession! farewell Congress! farewell Missouri! farewell Constitution of the United States, and of all the States!" I believe, however, that the people of Missouri generally approved the resolution. I advocated it; and for advocating it, I was denounced by certain individuals as a disunionist and a nullifier. And now, when I announce my determination to carry that resolution into effect, by voting for the admission of California, I am told, from another quarter, that I favor "*the Executive proviso*." Well, sir, all I have to say upon that subject is this: That, as I was not driven from my principles last summer, by assaults at home, so I will not be driven from my principles now, by assaults here.

It will not be denied, Mr. Chairman, that the people of Missouri can, at any moment, abolish slavery within their limits. Now will it be seriously contended, that the abolition of slavery in Missouri, by the people of that State, would be as objectionable to the South, as an attempt on the part of Congress to do the same thing? And if not, why not? For this plain, substantial and all-sufficient reason. Under our Government, it is the province of each State to regulate its own domestic affairs, and any attempt, on the part of Congress, to interfere with that right, would be a violation of the compact entered into when this Union was formed. It is for a similar reason, that while the passage of the Wilmot proviso would be justly offensive to the slaveholding States, the admission of California into the Union can give rise to no well-founded complaints in any quarter. But, it is said, that we cannot properly admit California, because Congress has not authorized the people to form a State government. It appears to me, that this objection has no solid foundation on which to rest. The Constitution declares that "new States may be admitted by the Congress, into this Union." This is all the power we possess over the subject; we can admit States, not create them. We cannot form a State constitution. We cannot establish a State government. These things can only be done by the people. And any attempt to do them by any other power, would be an usurpation, wholly without constitutional authority. Have, then, the people of California established a State government? Have they adopted a State constitution? They have. Their work is now before us—their constitution is now on our tables; and the question submitted is, shall we admit them into the

Union? The Constitution says, we may admit them, for it says we may admit new States. But gentlemen say, that we cannot admit them, because we have not declared in advance that we would admit them upon their application. Now, sir, I understand that all our powers are derived from the Constitution of the United States, and not from an act of Congress. We possess those powers, and those alone which the Constitution confers, and they can neither be enlarged nor diminished, by an ordinary act of legislation. Suppose that the last Congress had declared that no more States should ever be admitted into the Union, or that every State should be admitted upon its application, no matter what might be its population or its boundaries; would such a declaration have been obligatory upon us? Most assuredly not. And why? Because, each Congress has the right to pass all such laws, and to exercise all such powers, as the Constitution authorizes. Any other doctrine would make every new Congress the mere agent—the mere servant of those which preceded it, and impair, if not utterly destroy, the usefulness of this Government.

But precedents have been appealed to. We are told that the precedents are all against the admission of California. Let us examine some of these precedents, and see what they are.

On the 11th day of July, 1795, the Legislature of the then Territory of Tennessee, passed "An act providing for the enumeration of the inhabitants of the territory of the United States of America, south of the river Ohio," by which it was enacted, "that if, upon taking the enumeration of the people in the said territory, as by that directed, it shall appear that there are 60,000 inhabitants therein, counting the whole of the free persons, including those bound to service for a term of years, and excluding Indians not taxed, adding three-fifths of all other persons, the Governor be authorized and requested, to recommend to the people of the respective counties, to elect five persons from each county, to represent them in convention, to meet at Knoxville, at such time as he shall judge proper, for the purpose of forming a constitution, or permanent form of government." The census of the territory of Tennessee having been taken, as directed, and there appearing to be 60,000 free inhabitants therein, Governor Blount, in accordance with the request of the act which I have recited, issued his proclamation on the 28th day of November, 1795, from which I desire to read a brief extract. After certain recitals, he says:

"Now I, the said William Blount, Governor, &c., do recommend to the people of the respective counties, to elect five persons for each county, on the 18th and 19th days of December next, to represent them in a convention, to meet at Knoxville, on the 11th day of January next, for the purpose of forming a constitution, or permanent form of government. And to the end, that a perfect uniformity in the election of the members of the convention may take place in the respective counties, I, the said William Blount, Governor, &c., do further recommend to the sheriffs, or their deputies, respectively, to open, and hold, polls of election for members of convention, on the 18th and 19th days of December, as aforesaid, in the same manner as polls of election have heretofore been held, for members of the General Assembly, and" [now listen] "that all free males, twenty-one years of age, and upward, be considered as entitled to vote by ballot for five persons, for members of convention."

At the time this proclamation was issued, the provisions of the ordinance of 1787, relative to the right of suffrage, was in force in the Territory of

Tennessee. That ordinance provided, "that a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being a resident in the district, or the like freehold, and two years' residence in the district, shall be necessary to qualify a man as an elector of a Representative." Yet, in the face of this provision, Governor Blount advised the right of suffrage to be exercised by "all free males, twenty-one years of age and upward," whether freeholders or non-freeholders, citizens or aliens, white or black, residents or strangers. The people of Tennessee adopted the Governor's recommendation, formed a constitution, and applied for admission into the Union as a State. And how was their application received? Was it rejected? Were they remanded back to a territorial condition, as has been recently asserted? No, sir! no. They were not so remanded, but they were admitted into the Union, in conformity with their request. On the 8th day of April, 1796, President Washington transmitted to Congress a copy of the constitution of Tennessee, and certain papers accompanying the same. On the 12th of the same month, Mr. Dearborn, from a committee of this House, reported a resolution, admitting Tennessee into the Union. A few days thereafter, the House passed the resolution. On the 5th day of May, 1796, Mr. King, of New York, made a report to the Senate of the United States, in which the opinion was expressed, "that the inhabitants of that part of the territory south of the Ohio, ceded by North Carolina," were not at that time, "entitled to be received as a new State into the Union." The Senate accordingly passed a bill, providing for the enumeration of the inhabitants of Tennessee, and their future admission into the Union. The House amended the Senate bill in its title and in substance, so as to make it a bill admitting Tennessee into the Union, with one Representative in Congress, until the general census then next ensuing. The Senate non-concurred in the House amendments. A committee of conference was appointed, who reported in favor of the House amendments. The report of the committee was adopted by both Houses of Congress, and on the 1st day of June, 1796, the bill was presented to the President: on the same day it received his signature, and thus it became the law of the land. Such are briefly the facts connected with the admission of Tennessee into the Union, as I gather them from the public records of the country, as contained in the American State Papers, Vol. XX., Miscellaneous, Vol. I, pages 146, 147, and 150, and in the Senate and House Journals, for the year 1796. This history shows, that neither the first and most illustrious of our Presidents, nor the Congress of 1796, believed an act of Congress necessary to authorize the people of a territory to form a State government. It may not be unworthy of remark, also, that General Jackson was a member of the convention which prepared the constitution of the State of Tennessee; and he, surely, would not have participated in the deliberations of that body, had he believed its proceedings to be contrary to law, and in violation of the Constitution of the United States.

Arkansas, Michigan, Florida, and Iowa, were also admitted into the Union, without any act of Congress being passed, authorizing the people of those States to form constitutions—at least, after

the most diligent search, I have been able to find no such law. But the case of Michigan deserves especial notice. One of the allegations most constantly introduced, and most zealously urged against the admission of California is, that her people were not an organized political community, by act of Congress, at the time they formed and adopted their constitution. Precisely the same difficulty existed in the case of Michigan. At the time the people of that State formed their constitution, and for some years previous, the Territory of Michigan embraced all the territory that is now included within the States of Michigan, Wisconsin, Iowa, and the Territory of Minnesota. Hence, the people who resided within the boundaries of the present State of Michigan, were not, at the time referred to, an organized political community, by virtue of any law of the United States. They were only a part of such a community. Under these circumstances, the Territorial Legislature of Michigan, not only without the consent of Congress, given for that purpose, but after such consent had been twice refused, passed an act, which was approved by the Governor of Michigan, January 26, 1835, authorizing a portion of the people of that territory to form a constitution and State government. At the time of the passage of this act, the right of suffrage within the Territory of Michigan, as fixed by Congress, was confined to free white male citizens of the United States, who had resided within the territory one year, and had paid a county, or territorial tax. Yet the Territorial Legislature, disregarding the laws of Congress, enacted, in the second section of the statute which I have recited, "that the free white male inhabitants of the said territory, above the age of twenty-one years, who shall reside therein three months immediately preceding Saturday, the fourth day of April next, in the year one thousand eight hundred and thirty-five, be, and they are hereby authorized to choose delegates, to form a constitution, &c." The people of a portion of the Territory of Michigan—the people, I reiterate, who were not a political community, under any act of Congress, then in force—approving the provisions of the territorial law, adopted a constitution, applied for admission into the Union, as a State, and were conditionally admitted on the 15th of June, 1836. They having, by a convention of delegates, elected for that purpose, given their assent to the conditions of the act of June 15th, 1836, were unconditionally admitted on the 26th of January, 1837, during the Administration of President Jackson. From this review of facts, it appears to me, that every objection urged against the admission of California, on the ground that her people were not an organized political community, and that the right of suffrage was not established by an act of Congress, applied with full force in the case of Michigan. Yet these objections were then overruled as captious and unsubstantial, and I trust that they will be so regarded now.

Mr. Chairman, in considering the question before us, we should bear in mind the recent history of California. We should remember, that the American citizens, resident there, had revolutionized all the country around the Bay of San Francisco, and north thereof, before we attempted to take possession of it. As soon, however, as our flag was run up in California, the people who

lived in that country, cheerfully recognized our authority, because they loved our Union, and the institutions under which they had been reared. About the time that the people of California commenced their revolution, war broke out between the United States and Mexico. Our operations were so active, during that war, that Mexico was unable to send any troops to California, while hostilities continued with us. Indeed, she made no effort to do so. A few months after Commodore Sloat had hoisted our flag at Monterey, the Mexican population of California attempted to retake the country. As soon as this revolt was known, five hundred of our emigrants hastened to suppress it. They marched several hundred miles in California, driving all opposition before them; and, but for some unfortunate delays, they would have reduced the enemy, before Kearney and Stockton had been able to strike a blow. The bare statement of these facts—facts within the knowledge, doubtless, of every gentleman here present—must satisfy all that, but for our interference, California would, at this time, have been an independent State. It is true, that if we had not acquired California, Mexico might have attempted to reconquer it; but, when we reflect upon the zeal with which our citizens would have rushed to the relief of their brethren in California, and upon the multitudes which the recent discoveries in that country have drawn to it, we can scarcely believe that the efforts of Mexico would have been successful for a single moment. I therefore reassert that, but for our interference, California would, at this time, have been an independent State, owning, in fee, all the public domain within her limits, including her exhaustless mines of gold. But for the purpose of promoting our own interests, we chose to interfere. We therefore occupied a country, which our citizens had, without our aid, already conquered. As soon as our Government took possession of California, military contributions were levied upon her people, and military rule was established over them. While war lasted, these evils were borne, as temporary in their character, and as necessary incidents to a state of hostilities. It was hoped, that when peace was established, military rule and exaction would both cease. This hope was disappointed. Military rule and military exactions still continued the portion of California; and yet, her people still acquiesced; and still they hoped for relief. The action of the last Congress, however, but too clearly announced to them that they must expect no aid from us, under the present state of excitement, relative to the question of slavery. We not only failed to give them a territorial organization, but we extended our revenue laws over them in this way, subjecting them to the burdens, while we denied them the benefits of government. Thus situated, the people of California thought it to be their duty to take care of themselves—to protect their lives, and to secure their property. They accordingly met in convention, established a government, and feeling themselves able to support a State organization, they have applied for admission into the Union. And for this they have been denounced. These denunciations sound strangely in my ears.

Have gentlemen forgotten the course of events in Oregon? In 1845, the people of that territory established a government and adopted a constitu-

tion. For some years they lived under the laws enacted by themselves. We heard no charges of usurpation against the people of Oregon for their conduct. Every one seemed to acquiesce in the propriety of their action. The late President of the United States, in one of his official communications to Congress, alluded to the course of the people of Oregon, in the strongest terms of commendation; and Congress, in the 17th section of the act organizing the Oregon Territory, endorsed the action of the people thereof, in the fullest and most emphatic manner, by declaring, "that all suits, processes, and proceedings, civil and criminal, at law and in chancery, and all indictments and informations, which shall be pending and undetermined in the courts established by authority of the provisional government of Oregon, within the limits of the said territory, when this act shall take effect, shall be transferred to be heard, tried, prosecuted, and determined, in the district courts hereby established, which may include the counties or districts, where any such proceeding may be pending. All bonds, recognizances and obligations of every kind whatsoever, valid under the existing laws within the limits of said territory, shall be valid under this act; and all crimes and misdemeanors against the laws in force within said limits, may be prosecuted, tried and punished in the courts established by this act, in like manner as they would have been under the laws in force within the limits composing said territory, at the time this act shall go into operation." It may not be improper to remark, that this section, which so fully sanctions the action of the people of Oregon in establishing a government, without the previous assent of Congress, was not objected to by a single gentleman in this or the other end of the Capitol. And yet we are told that the people of California for doing that which was so highly applauded in the people of Oregon, have been guilty of a most unpardonable usurpation! It is true that the people of Oregon did not apply for admission into the Union as a State. The reason is obvious. Their population was so small, and their means were so scanty, that they were not able to sustain a government. Hence they asked us for assistance, and petitioned us for a territorial organization. The situation of California is far different. The people of that country are numerous and wealthy; they are able to sustain a State government; they therefore ask us for no pecuniary aid; they demand no appropriation out of our treasury to enable them to administer their local government. All they request is that they may be permitted to govern themselves at their own expense. Now, surely, sir, if the people of Oregon were justifiable in establishing a government and adopting a constitution, without the authority of Congress, the people of California must be justified for doing the same thing, unless it can be made appear, that the superior numbers and wealth of the latter, deprive them of the rights and privileges that were for years exercised by the former.

Still, it is said, that we should remand California to a territorial condition, condemn the entire course of her people in forming a government, and sternly reject their application for admission into the Union as a State. It may be well for us to consider the wisdom and policy of such a proceeding on our part. Time will not permit me to

examine this subject at length. I must content myself by calling the attention of the committee to remarks of certain greatly-distinguished gentlemen of the South, upon a very similar question, which was mooted here some years since. Mr. Pinckney, of South Carolina, in his able speech on the Missouri question, used this language:

"If you refuse to admit Missouri without the prohibition, and she refuses it, and proceeds to form a constitution for herself, and then applies for admission, what will you do? Will you compel them by force? By whom or by what force can this be effected? Will the States in the neighborhood join in the crusade? Will they, who to a man think Missouri is right and you are wrong, arm in such a cause? Can you send a force from the eastward of the Delaware? The very distance forbids it, and distance is a powerful auxiliary to a country attacked. If, in the days of James the Second, English soldiers, under military discipline, when ordered to march against their countrymen, contending in the cause of liberty, disobeyed the order and laid down their arms, do you think our free brethren on the Mississippi will not do the same thing? Yes, sir! they will refuse, and you will at last be obliged to retreat from this measure, and in a manner that will not add much to the dignity of your Government."—*National Intelligencer*, June 26, 1820.

The language of Mr. Pinckney, a little changed, applies with full force to the case before us. I leave it to gentlemen to make the change for themselves, and beg them to ponder and reflect upon the views of that eminent southern statesman and patriot.

Mr. Nathaniel Macon, of North Carolina, than whom this country has produced no better man, and the soundness of whose judgment, and the genuineness of whose republicanism, are now proverbial, thus expressed himself with reference to "the Missouri controversy:"

"All governments, no matter what their form, want more power and more authority, and all the governed want less government. Great Britain lost the United States by attempting to govern too much, and to introduce new principles of governing. The United States would not submit to the attempt, and earnestly endeavored to persuade Great Britain to abandon it, but in vain. The United States would not yield; and the result is known to the world. The battle is not to the strong, nor the race to the swift. What reason have we to expect that we can persuade Missouri to yield to our opinion that it did not apply as strongly to Great Britain? They are, as near akin to us, as we were to Great Britain. They are 'flesh of our flesh and bone of our bone,'

* * * every free nation has had some principle in their government, to which more importance was attached than any other. The English were not to be taxed without their consent given in Parliament: the American is to form their own State government, so that it be not inconsistent with that of the United States. * * * It would have been very gratifying to me to have been informed by some of the gentlemen who support the amendment, what is intended to be done, if it be adopted, and the people of Missouri will not yield, but go on and form a State government, (having the requisite number agreeably to the ordinance,) as Tennessee did, and then apply for admission into the Union. Will she be admitted as Tennessee was, on an equal footing with the original States, or will the application be rejected, as the British Government did the petitions of the old Congress? If you do not admit her, and she will not return to the territorial government, will you declare her people rebels, as Great Britain did us, and order them to be conquered for contending for the same rights that every State in the Union now enjoys? Will you for this, order the father to march against the son, and brother against brother? God forbid! * * * If you should declare them rebels, and conquer them, would that attach them to the Union? No one can expect this. * * * If the United States are to make conquests, do not let the first be at home. Nothing is to be got by American conquering American. Nor ought we to forget, that we are not legislating for ourselves, and that the American character is not yielding when rights are concerned."—*National Intelligencer*, February 12, 1820.

The extract I have just read, is full of wisdom. It appeals to the North not to trespass upon the rights of the South—it appeals to the South not to trespass upon the rights of California—it ap-

peals to the majority not to trespass upon the rights of the minority; but to practice liberality and justice, and thus to gather the affections of all around the Union—giving strength to our Government, and perpetuity to our institutions.

But I go further. I not only say that the people of California have acted properly, and that we may properly admit them into the Union, but that it is our duty so to admit them. Nothing, it seems to me, would be more repugnant to the spirit of the Constitution, than an attempt to retain the people of the territories forever in a state of territorial vassalage. Suppose that the original thirteen States had steadily refused to admit any other States into the Union, and had thus sought to keep the people who inhabit the mighty Valley of the Mississippi, in a territorial condition forever: would such a course have been in accordance with the genius of our Government? Would it have been American to exclude the millions who live in the new States, from all participation in the affairs of this Government, while they are subjected to a full share of its burdens? Would it have been exactly republican to retain Ohio, and Indiana, and Illinois, and Kentucky, and Tennessee, and the other great States of the West, down to the present time, as mere colonies of the original parties to the Constitution? No one will venture to answer these inquiries affirmatively. If, then, the character of our institutions requires that an end should be put to the territorial condition of our people, when is the period at which the state of dependence should cease? It is the very moment when the citizens of the United States, living within convenient boundaries in any of our territories, are numerous enough to form a State, and are desirous of assuming that condition.

This subject was well and ably discussed on the proposition to authorize the people of Missouri to form a State government, some thirty years ago. The opponents of the "Missouri restriction" at that day, boldly proclaimed the very doctrines that I have here laid down. Mr. HOLMES, then a member of this House for the State of Massachusetts, said:

"New States may be admitted, and no difference is authorized. The authority is to admit or not, but not to prescribe conditions. What would be a fair construction of this? Surely not that Congress might hold a territory in a colonial condition as long as they choose, nor that they might admit a new State with less political rights than another, but that the admission should be as soon as the people needed, and were capable of supporting a State government."—*National Intelligencer*, Feb. 19, 1820.

Mr. J. BARBOUR, at that time a Senator in Congress from the State of Virginia, said:

"What, then, is your power? Simply whether you will admit or refuse. This is the limit of your power. And even this power is subject to control, whenever a territory is sufficiently large, and its population sufficiently numerous: your discretion ceases, and the obligation becomes imperious that you forthwith admit; for I hold that, according to the spirit of the Constitution, the people thus circumstanced are entitled to the privilege of self-government."—*National Intelligencer*, March 18, 1820.

Mr. PHILIP P. BARBOUR, late one of the judges of the Supreme Court of the United States, and in 1820 a member of the House of Representatives from Virginia, said:

"The first which I shall examine, because it has been most relied on, is in these words: 'New States may be admitted into this Union.' Now, say gentlemen, this provision is permissive, not imperative—that as Congress may, so they may not, admit; and as they may not admit, therefore, they may in their discretion impose their own terms.

On my part it is contended, that the power of Congress is limited to the simple alternative of admitting, or not admitting—that even this power is subject to the modification, that *they have not the moral right to refuse admission to a territory whose situation and circumstances suit it for admission.*—*National Intelligencer*, April 13, 1820.

Mr. HARDIN, of Kentucky, said:

“Under the head of preliminary facts, and positions, let us inquire, Mr. Chairman, what are the claims of the people and Territory of Missouri, to be admitted into the Union as a member of this great political family. Her territory is not unusually large. The dimensions of the proposed State are not greater—do not contain more square miles—than the States of Ohio, Indiana, and Illinois. Her population is admitted by all to be upward of 60,000. No State, which has been admitted into this Union since the adoption of the Constitution, had, at the time of its admission, a greater population; several of them had scarcely half the number. The Constitution, when it says, ‘new States may be admitted by the Congress, into the Union,’ is silent upon the subject of numbers or boundary; but leaves that subject to the sound discretion of Congress. *The manner in which that discretion has been exercised, has been so uniform and invariable, that it amounts to a law.* It is, Mr. Chairman, A PROCLAMATION TO THE INHABITANTS OF ALL THE TERRITORIES, THAT WHENEVER THEIR NUMBERS APPROACH TO FIFTY OR SIXTY THOUSAND, THEY SHALL BE AT LIBERTY TO BURST FROM AROUND THEM THE BONDS AND CHAINS OF TERRITORIAL SERVITUDE, AND VASSALAGE, AND ASSUME AND EXERCISE THE RIGHTS OF SELF-GOVERNMENT—THE INALIENABLE RIGHTS OF MANKIND.”

“But, Mr. Chairman, independent of the practice of this Government, in admitting other States into the Union, I say, upon principle, if Missouri were the first candidate that ever offered and asked for admission, we would be bound to do one of two things—either to receive her as a sister State, or permit her to set up an independent government for herself. Who, in this House, is prepared to deny and disclaim the principles upon which the American Revolution commenced, and, in contending for which, we established our independence? * * * The principle we contended for was this, that we, from our intelligence and population, were competent for all the purposes of self-government; and that it was the inalienable birthright of all men, to be bound by no laws, unless they participated in their enactment; and that any law made by the King and Parliament of Great Britain, in which we had no voice—no representation—was not only not obligatory upon us, but absolutely, as it respected us, null and void. On the other side of the ocean it was contended, that the laws enacted by the Imperial Parliament and their Majesty, were binding upon us in all cases whatsoever. The above was the point at issue between the parties. Our right to a seat upon this floor, our being assembled here this day, proclaims the glorious result of the contest. But, then, in those good times, Mr. Chairman, it was the feeling and interest of the American people to contend, and spill the best blood of the land, for first principles. Now, I am sorry to say, that one portion of these United States find it their interest, to combat those very principles for which a number of their fathers gloriously perished.”—*National Intelligencer*, March 9, 1820.

The language of the Virginia Legislature was even more explicit than any that I have yet quoted. In a report, adopted by that body on the first day of February, 1820, are found the following bold and emphatic declarations, to which I ask the especial attention of the committee:

“In the first place,” (says the report,) “it is denied that Congress has the right to continue the dependence of the Territory, at pleasure—to perpetrate its minority and their regency. And this is denied without any reference to compact or treaty. It is true, the Constitution gives a power to dispose of, and make all needful rules and regulations, for the government of its territories; but powers may be restrained, in the same manner that they may be enlarged, by implication; and if there be an irresistible implication, limiting any grant of power, it is believed that this grant is so limited. It can never be believed, that an association of free and independent States, formed for the purposes of general defence, of establishing justice, and of securing the blessings of liberty to themselves and their posterity, ever contemplated the acquisition of territory for the purpose of establishing, and perpetuating for others and their posterity that colonial bondage against which they themselves had so lately revolted. The provision, for the admission of new States into the Union, is a clear indication of the destiny

intended for the acquired territories. It being foreseen, however, that circumstances might occur to control this destination, or that experience might prove it unsafe or unwise, a discretion was given to refuse or admit the new States—there being embraced in the power to dispose of the territories, the means of entitling them to independence. The territories of the United States are rightfully held in pupillage, as long as their infancy unfits them for self-government, or admission into the Union, but unjustly detained in bondage, whenever their maturity arrives. *At that period they have a right to demand admittance into the political family as equals, or the enjoyment of liberty as independent States. Power may enslave them longer, but the laws of nature and of justice—the genius of our political institutions, and our own example—proclaim their title to break their bonds and assert their freedom.*—*Laws of Virginia*, 1819-20.

What the Legislature of Virginia meant by the people of a territory arriving at maturity, is not a matter of conjecture. The report from which I have just read, was upon, and in favor of, the proposition to authorize the people of Missouri to form a State constitution. The Legislature, therefore, considered the territory of Missouri as having arrived at maturity. But Missouri at that time contained only about sixty thousand inhabitants; and, as the present population of California much exceeds the population of Missouri in 1820, the people of California are, according to the *old Virginia doctrine*, entitled to admission into the Union, or to absolute independence. “Power,” to repeat the language of the report, “may enslave them longer, but the laws of nature and of justice, the genius of our political institutions, and our own example, proclaim their title to break their bonds and assert their freedom.” But it may be said that I over-estimate the number of people in California. In order to decide this question, let us appeal to facts. The report of one of the United States officers at San Francisco, states that the number of immigrants who arrived at that port by sea, between the first of April and the first of December last, was upward of twenty-nine thousand.* We know, from evidence that is as good as official, that about seven thousand emigrant wagons left the western part of Missouri, last Spring, for California, by the way of the South Pass. Many emigrants went the same route at that time, with pack-mules. If, however, we throw out of consideration the latter altogether, and allow four persons to each wagon, we have twenty-eight thousand as the number of those who emigrated to California last season by the northern

* Since this speech was delivered the following statement has been received:

The number of vessels arrived at the port of San Francisco, from the 12th April to the end of January last, is shown in the following statement from the records of the harbor-master's office:

<i>Amount of tonnage arrived since April 12, 1849, until date, January 29, 1850.</i>		
American.....	223,429	
Foreign.....	55,809	
Total.....	284,238	
<i>Number of passengers arrived during the same period.</i>		
	<i>Female.</i>	<i>Male.</i>
American.....	919	29,840
Foreign.....	502	8,627
Total.....	1,421	38,467
<i>Number of ships that have arrived during that period.</i>		
American.....	487	
Foreign.....	318	
Total.....	805	

The above is exclusive of United States ships and transports, and the mail steamers.

overland route. A large number of emigrants also went to California by the way of Santa Fé, Fort Smith in Arkansas, Texas, and Mexico. The number who went by all the routes last mentioned, has never been estimated at less than ten thousand. These data give sixty-seven thousand as the number of emigrants to California during eight months of last year, of whom three-fourths at least were American citizens. But many persons were in California before the first of April last, and many have gone there since the first of December last. Taking all these facts into consideration, I think it will be difficult for any one to believe, that there are not one hundred thousand people at this moment in the new State of California. But there is another mode of estimating the population of California. Her recent popular vote stood as follows:

For the Constitution.....	12,061
Against the Constitution.....	811
Total.....	12,872

For Governor.....	Votes.
Peter H. Burnett.....	6,783
S. A. Sutter.....	2,201
Wm. M. Stewart.....	619
W. Scott Sherwood.....	3,220
John W. Geary.....	1,358
Scattering.....	32
Total.....	14,213

Now, it may be said with safety, that this vote is larger than that given by any of the new States at the time of its admission into the Union, except the State of Wisconsin. Louisiana was admitted into the Union on the 8th day of April, 1812. The first popular vote given in that State, of which I have been able to find full returns, was at the election for Governor, in 1820, which resulted as follows:

Thomas Bolling Robertson, received.....	Votes.
Peter Derigny.....	1,903
Abner L. Duncan.....	1,187
J. N. Destrehan.....	1,031
J. N. Destrehan.....	627
Total.....	4,748

Niles's Register, December 26, 1820, Vol. 19, page 280.

Indiana was admitted into the Union on the 11th day of December, 1816. According to *Niles's Register*, Vol. 13, page 111, the whole number of votes given at the Congressional election in that State, in 1816, was six thousand seven hundred and eighty-nine.

Mississippi was admitted into the Union on the 10th day of December, 1817, and Illinois on the 3d of December, 1818.

The earliest vote given in either of those States, of which I have found any authentic account, was cast in 1822, and is thus reported in *Niles's Register*:

"*Illinois*.—Edward Coles is re-elected Governor of, and Daniel P. Cook re-elected the Representative from this State. Mr. Cook had 4,764 votes, and his opponent, John McLean, 3,311."—[*Niles's Register*, vol. 23, page 43.]

"*Mississippi*.—The vote lately taken for a Representative in Congress, stood thus: For Mr. Rankin, 4,811; for Mr. Poindexter, 2,654."—[*Niles's Register*, vol. 23, page 961.]

It is true, that the ratio for apportioning members of this House, was only 35,000 at the time the States I have mentioned were admitted into the Union, and that it is now 70,680. Yet, if we make a proper allowance for the increase of the vote in the States of Illinois and Mississippi, from the date of their admission, until the year 1822,

we will still find that the vote of California is as large, compared with the present ratio, as the vote of either Louisiana, Indiana, Mississippi, or Illinois was, at the period of their admission, compared with the ratio which then existed.

Let us now come to a later period: Arkansas and Michigan were admitted into the Union in 1836. At the Presidential election, in the autumn of that year, the popular vote in those States was as follows:

ARKANSAS.	All others.	Total.
Van Buren.....	1,238	3,633
2,400.....		

MICHIGAN.	All others.	Total.
Van Buren.....	4,000	11,390
7,390.....		

Since 1836, the ratio for a Representative in Congress has been increased about fifty per cent. while the vote of California is nearly four times as large as that of Arkansas was at the time of her admission, and is considerably larger than that of Michigan, although in the latter State foreigners were entitled to the right of suffrage.

But let us come to a still later period: Florida was admitted into the Union on the 3d day of March, 1845. The vote at one of her first Congressional elections stood thus: For Brokenbrough, 2,669; for Cabell, 2,632. Total, 5,301.

Iowa came into the Union in 1846. The vote at her first State election was:

For Governor.....	Votes.
Ansel Briggs.....	6,659
Thomas McKnight.....	6,582

Total.....13,271
(*Niles's Register*, vol. 71, page 296.)

At this election, it should be remembered, that Iowa elected two members of this House, Leffler and Hastings, both of whom were admitted to their seats. The ratio for apportioning Representatives in Congress, has not been changed since 1845, and yet, though California has polled more than twice as many votes as Florida did at her first State election, and a larger vote than Iowa did at her first State election, when she chose two members of this body, we are told that California has not a sufficient population for a State.

Mr. THOMPSON, of Mississippi. Will the gentleman inform us how many foreign votes were polled in California?

Mr. HALL. With pleasure. The constitution of California confines the right of suffrage to "white male citizens of the United States, and white male citizens of Mexico, who have elected to become citizens of the United States, under the treaty of peace exchanged and ratified at Queretaro, on the thirteenth day of May, 1848, of the age of twenty-one years," &c. None but such persons were entitled to vote at the late election in California. What is the precise number of the latter class I do not know; but I can approximate pretty near to it. In the first place, McCulloch tells us in his *Geographical Dictionary*, that the white population of California, Mexican and foreign, in the year 1832, did not exceed five thousand. If we suppose that the Mexican population in California doubled themselves in the last eighteen years, and that the whole of them elected to become citizens under the treaty, we would have not more than sixteen hundred Mexican voters in that State. In the next place, in the year 1847, there was a revolt of the Mexican popu-

lation in California, against our authority, in which revolt, almost every arm-bearing Californian was engaged. The Californians estimated their force at about five hundred men—we estimated it at about seven hundred. If we suppose that only one half of the adult male Californians participated in the insurrection, this would give four hundred, as the greatest possible number of that class of voters now in the State of California. Finally, the representatives from California estimate the whole number of Mexican voters in that State, at about thirteen hundred. Now, if we suppose that all of these persons, whether thirteen hundred, fourteen hundred, or sixteen hundred, voted at the election in California, still we have a greater American voting-population in that State, than was polled by any new State at the time of its admission, except Iowa and Wisconsin, each of which chose two Representatives in Congress at its first State election.

"But no census has been taken of the population of California." That is true. And I am not aware that an enumeration of the inhabitants of a State is necessary prior to her admission—at least I have not been able to find any clause in the Constitution, which points to such an enumeration as a prerequisite to the admission of a State. No census was taken of the population of Texas, I believe, when she came into the Union, and no census was taken of the population of Illinois at the time of her admission. Mr. Rufus King, of New York, did, indeed, object in the United States Senate to the admission of Missouri, on the ground that no proper enumeration of her inhabitants had been made. Mr. Smith, of South Carolina, replied to that objection, and here is a portion of what he said on that occasion:

"When Illinois was admitted, it was on the doubtful evidence of forty thousand of a population. He would read the memorial upon which that State was admitted, as far as respected the amount of population. It was as follows: 'Within the boundaries of this territory, there are, in the opinion of your memorialists, not less than forty thousand souls.'

"This is all the evidence you had before you when you admitted Illinois. Did the western and southern members require a survey of this territory, or a census of the population, before they consented to the admission of that State? Did the honorable gentleman from New York ever think of such a thing, when he voted for the admission of Illinois? No, sir! not one member of the Senate ever dreamed of asking for a census, or survey. Such a thing was unprecedented, until Missouri came before you."—*National Intelligencer*, March 25, 1820.

It is, however, objected, that the people of California are incapable of self-government. Who are the persons thus denounced—for the charge is a denunciation? Who are they? Why, sir, they are our own brothers and relations—our old neighbors and acquaintances. They have been reared up under our Government, and have been taught from childhood the principles of our institutions. Many of them are distinguished for their wisdom and learning—for their virtue and patriotism. Every gentleman under the sound of my voice can testify, that much of the very best part of our population has gone to California. Among the emigrants to that State, are ex-members of Congress, ex-governors of States, and ex-judges of our courts, as well as many of the most intelligent of the masses. And are they not capable of self government? For one, I am willing to intrust them with that privilege. I wish to make them

free—free, sir, as your State and my State are free—free to enact their own local laws, to establish their own institutions, and to regulate their internal affairs, according to the dictates of their own judgment.

It is true that there are foreigners in California; but they are not permitted to interfere with the government—the right of suffrage being confined, as I have already said, to our own citizens, and those Mexicans who, according to treaty stipulations, are entitled to the privileges of citizens. The number of the latter, as has been shown, does not exceed a few hundred—so that California is as much under the control of our own people as Missouri, or any other State in the Union.

It is an easy matter to say that any people are unfit for self-government; but if we look to facts, we shall find nothing to warrant such a conclusion with regard to the population of California. For the last two years and more, they have been almost without a government; yet they have maintained a degree of order which, under all the circumstances, is truly astonishing. I think it might be said, without fear of contradiction, that there is no State in the Union which, under the same circumstances, would present a more gratifying spectacle of decorum than this very California, whose citizens have been so fiercely denounced in this discussion. Have gentlemen read the California constitution? It is a work of which any body of men might be justly proud. Its thorough republicanism, and the guaranties it contains of the rights of the people, will compare well—nay, sir, they will brightly contrast—with the constitutions of some of our States that stand high for intelligence.

But it is charged that the people of California are not permanently settled—that they are mere vagrants, adventurers, gold-hunters, without fixed habitations, and will, in a little while, return to their old homes. In order to sustain this sneering accusation, no proof has been adduced. That some of the people of California will return to their former places of residence, I am free to admit; but that a majority of them, or even that a large minority of them will so return, I do not believe. Cast your eyes over that country, and what will you see? Why, sir, you will see cities springing up as if by magic—farms opening and multiplying—multitudes engaged in almost every branch of useful industry—and commerce crowding all the avenues of trade. Upon inquiring into the condition of things, you will learn that a mechanic earns from sixteen to twenty-five dollars a day; that a common laborer's wages are more than the per diem of a member of Congress; and that professional skill and well-directed enterprise are rewarded there as they are rewarded nowhere else. It is scarcely credible, that men so situated, will choose to remove to the older States, where the exertions that, in California, yield them thousands annually, will afford them little more than a bare livelihood. It is true that the extraordinary state of things which now prevails in California, will not be permanent. It must end sooner or later; but when it terminates, I do not believe that California will be deserted. Her pleasant valleys, her delightful climate, and her incalculable commercial advantages, will always retain within her borders a numerous, active, and thriving population.

Upon the application of new States for admission into the Union, we have never required proof that their population was permanent. Congress has always acted upon the presumption that the people living in a State, for the most part, intended to remain there; and this reasonable supposition has not heretofore been disappointed. It is only the hardiest and most enterprising of our people who go to the new States—it is only such who have gone to California. And they are there to remain—to build up, along the Pacific, republican institutions, and to prove themselves, by the wisdom of their legislation, worthy citizens of this wide-spread, and wider-spreading, Union.

It is further charged, that the State government of California is not the voluntary work of the people, but has been established under Executive dictation. Fortunately, sir, we know the people of California. A little while ago, they were our constituents, and we know that Executive dictation would have as little effect upon them, as upon any other portion of our population. Beside this, there is not the slightest proof to support the charge of Executive dictation. The President did, indeed, dispatch a messenger to California, advising the people to form a State government, in which, I think, he did wrong. That messenger did not, however, reach California, until after General Riley's proclamation was issued. But, say gentlemen, General Riley states, in that very proclamation, that the President of the United States, and his Secretaries, advised the formation of a State government. I do not so understand the facts. The last paragraph of the proclamation is as follows:

"The method here indicated, viz., *a more perfect political organization*, is deemed the most direct and safe that can be adopted, and *one fully authorized by law*. It is the course advised by the President, and by the Secretaries of State and War, of the United States, and is calculated to avoid the innumerable evils which must necessarily result from any attempt at illegal local legislation."

What is here meant by "*a more perfect political organization*?" The explanation is to be found in the fourth paragraph of the proclamation, which is in these words:

"As Congress has failed to organize a new territorial government, it becomes our imperative duty to provide for the existing wants of the country. This, it is thought, may be best accomplished by putting in full vigor the administration of the laws as they now exist, and *completing the organization of the civil government by the election and appointment of all officers recognized by law*."

Here we are informed what is the meaning of "*a more perfect political organization*." It was "*the election and appointment of all officers recognized*" by the laws which General Riley supposed to exist in California, with a view of giving those laws full vigor, by securing their administration. The remainder of the paragraph strengthens this view. It is as follows:

"While, at the same time, a convention—in which all parts of the territory are represented—shall meet and frame a State constitution, or a territorial organization, to be submitted to the people for their ratification, and then *proposed to Congress for its approval*. Considerable time will necessarily elapse before any new government can be *legitimately* organized and put in operation; in the interim, the existing government, if its organization be completed, will be found sufficient for all our temporary wants."

General Riley here evidently regarded a State or territorial organization, by the people of California, as of no effect, and illegitimate, until sanctioned by Congress. He could not, therefore,

have intended such an organization by the phrase "*a more perfect political organization*," which he says was recommended by the President, and by the Secretaries of State and of War of the United States; for he distinctly asserts that the more perfect political organization alluded to by him was "*one fully authorized by law*"—by law which then existed, and not by law which was to be subsequently enacted. How, then, came General Riley to recommend to the people of California the formation of a State constitution? Although I have no certain information upon this subject, yet I think the evidence before us justifies me in expressing an opinion with regard to it. It appears that various movements had, from time to time, been set on foot in California, with a view of casting off the authority exercised by the chief of our military forces in that quarter, as head of the government *de facto*. These movements had been successfully suppressed by the American commandant. When the failure of the last Congress to establish a government over California was announced in that territory, the public mind was much excited, and public attention was again directed to the project of organizing a government by the people themselves. It can scarcely be doubted that this condition of things had its influence upon General Riley; and, operated upon by the citizens who surrounded him, he issued his proclamation, sanctioning, rather than suggesting, the propriety of a State organization. If I am right in this opinion, the recent movements in California were essentially popular. They originated with the people, and have been conducted by them to their present position.

Mr. Chairman, fault has been found with the boundaries of California. I confess that I would have been better pleased, had the summit of the Sierra Nevada been made the eastern boundary of the new State: yet I know from personal observation—from actual travel—that much, if not all, of that part of California this side of the Snowy Mountain is a miserable desert, upon which no one now lives, and upon which, in all probability, no one will ever live. It cannot, therefore, be a matter of much importance, whether that waste be included within California, or be attached to Deseret. As to the enormous area of California, about which we have heard so much, I have this to say: Much of California is mountain, barren-hill, and desert. The valleys alone are considered susceptible of cultivation at present; and after having been over the most of California, from San Diego to Johnson's Ranch, forty miles north of Sutter's, in the Sacramento valley, I have no hesitation in asserting, that the agricultural resources of Missouri are double those of the proposed State. Besides this, notwithstanding all the complaints about the great extent of California, it is less than half as large as Texas. Now, sir, I was an early, constant, and active advocate of the annexation of Texas, with her 325,520 square miles of territory, and I shall most assuredly not be inconsistent enough to oppose the admission of California at this time because she has an area of 158,000 square miles. Still, sir, as I am anxious to do all in my power to quiet the existing excitement, I will vote for an alteration of the boundaries of California, if gentlemen can thereby be induced to withdraw their opposition.

Mr. Chairman, for the reasons that I have

now given, I shall vote for the admission of California into the Union as a State. By so acting, I shall carry out, according to my apprehension, the doctrine of non-intervention—the doctrine in support of which the great Democratic party of this country were united a few months since—the doctrine which was boldly proclaimed by our distinguished standard-bearer in the late Presidential contest, and to whom for his recent eloquent vindication in the Senate of the United States of the principles he has heretofore avowed—for his magnanimous efforts to do justice to the whole nation, in opposition to the prejudices of a particular section, and above all, for his noble and patriotic endeavors to secure, preserve, and perpetuate the union of these States—I now tender him my thanks, and the thanks of my constituents. Will the gentlemen from the North unite with me on the ground of non-intervention? From those who style themselves Free-soilers, I ask nothing and I expect nothing; but from the majority of the northern Representatives, I think I have a right to look for aid. They say they desire peace and quiet to be restored to the country. They surely cannot be ignorant of what is passing around us. They cannot be blind to the fact, that the Union is agitated, and deeply agitated, by the attempts which have been made by Congress to restrict slavery to its present limits. Never before did so unfortunate a state of the public mind exist in the country, as at present. We have heard, day after day, discussions as to the advantages of a dissolution of the Union to a portion of its members; and how muchsoever we may deprecate such exhibitions, they manifest a condition of things most alarming to the friends of our Confederacy.

I am an Unionist in the most enlarged acceptance of the term; and when I reflect upon the progress we have made in all that constitutes true national greatness; upon the blessings which our institutions have so widely and so universally diffused among our population—upon the prosperity which is the portion alike of every section of this broad land—upon our advancement in all the comforts and refinements of life—upon our improvement in literature, in the arts and sciences—upon our unheard-of increase in numbers—upon our unexampled accumulation of strength at home, and upon the proud exaltation of our character abroad—I cannot believe that our people will ever, except under the pressure of the most untoward circumstances, desire any change, and least of all, such a change as disunion would bring them. For myself, I can say with conscious truth, that I have never attempted to calculate the value of this Union—to compute, in dollars and cents, the pecuniary advantages likely to accrue to me or to mine, by a disruption of the bonds which hold this Confederacy together, and thus to ascertain the amount of gain that would result to my State or to my section, by blotting out the name of my country from the list of nations, and by tearing to pieces and trampling in the dust, that flag which has led us on from triumph to triumph, until we have become the wonder and the admiration of the world. No, Mr. Chairman, no. Such pastimes have no attractions for me. I was born under the Union—I trust to die under the Union. Whenever, therefore, I see any movement calculated to endanger the stability of this Government, I cannot but feel the liveliest apprehension, and enter-

tain the deepest solicitude, for the welfare of our people. The proposition to ingraft the Wilmot proviso upon the bill establishing territorial governments, I believe to be such a movement. No constituency in the Union is more conservative upon the slavery question than the one which I have the honor to represent, yet they would regard the passage of the Wilmot proviso as a gross outrage upon their rights. If my section of the country feels so deeply upon this subject, is it to be wondered at, that the southern States feel much more deeply?

It is not to be disguised, that the discussions here, for the last few years, relative to the exclusion of slavery, by an act of Congress, from our recently-acquired territories, have aroused the passions of our people, and tended to alienate their affections from one another in an alarming degree. How much longer shall this evil be tolerated? How much further shall it progress? Shall it go on until the irritation becomes incurable? Shall it go on until section is arrayed against section, in all the bitterness of civil strife? Shall it go on until the arm of military power is brought in to hold together the distant parts of this Confederacy? It does appear to me, that if patriotism be not dead in this hall—that if our professed devotion to this Union be not an empty boast—that we will settle the differences which divide us, before the present session of Congress is permitted to close. We can settle them upon the principle of non-intervention. Let us admit California as a State, but let us also organize a territorial government for the residue of our Mexican territory, without the clause prohibiting slavery. Such an adjustment, I am aware, will not satisfy the extremists of any section; but if we wish to pacify the country, we must avoid all extremes; we must cultivate a spirit of concession and compromise in this and the other house of Congress. If we will but do this—if we will but banish from our midst that sectional and party-rancor, which, I fear, sometimes too much prevails among us—if we will but call up that spirit, which animated the good and great men who formed this wisest and best of governments—if we will but forget ourselves a little while, in the effort to serve our country—all will yet be well. That storm of sectional strife which now rages around us, will be quieted; the bright sunshine of brotherly love will again break in upon us, and the Union of these States will be but emblematical of that union of kind regard and sympathy, which should prevail among the citizens of this greatest of Republics.

Mr. Chairman, our constituents expect us to settle the questions which now so fiercely agitate the public mind. They are demanding their settlement at our hands. They are calling upon us in the name of our common country, in the name of our common hopes, in the name of all that is most glorious in the recollections of the past, and brightest in the anticipations of the future, to settle these questions that are so fraught with consequences the most fearful—so big with dangers the most alarming. If we heed this voice, we shall deserve the gratitude of the American people. If we heed it not, we shall merit their condemnation. Entertaining these sentiments, I have viewed with pain—nay, sir, with profound regret—the effort of the present Executive to keep the question of slavery in the Territories of New Mexico and

Deseret still open, and undetermined. I trust that a majority of this House will not adopt a policy so unfortunate—a policy which must keep up the present excitement—an excitement, which if not quieted, may lead us, God only knows where. If gentlemen from the North—for they must settle the question—cannot stand on the ground of non-intervention, let them bring forward their plan of adjustment. For one, I stand here ready, willing, nay, eager, to vote for almost any proposition

which gives a fair and reasonable promise of pacifying our people; and if, by any efforts of mine, I shall contribute in the smallest degree, to a satisfactory adjustment of our present difficulties, I shall believe that I have rendered the State some service. If all my efforts shall prove unavailing, to accomplish this end, I shall still have the consolation of knowing that I have endeavored to discharge my duty to my country, honestly and faithfully, in this, the darkest hour of her peril.





