The North Carolina Whig.

A. C. WILLIAMSON, } EDITOR. "Be true to God, to your Country, and to your Duty." T. J. HOLTON, } PUBLISHER.

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Congressional.

SPEECH of Mr. Clemens, of Alabama,

In the Senate of the United States, December 24, 1851, on the Resolution reaffirming the Compromise Measures.

IN SENATE, December 25, 1851.

The Senate having under consideration the Resolution declaring the Compromise Measures to be a definitive settlement of all the questions growing out of the subject of domestic slavery—

Mr. CLEMENS said:

Mr. President: If it had been left to me to determine whether this resolution ought be introduced, I would most probably have answered, No. Not that I doubted its propriety—not that I ever had any fears of the consequences which might flow from it. But some of those with whom I have been accustomed to act, did entertain the opinion that it might result in evil, and I am always willing to pay some respect even to the *fears* of an ally. The resolution, however, is now here; and the question is not upon the propriety of its introduction, but upon the *duty* of its passage. The character of the debate which has taken place, renders it imperative in my judgment, that it shall be passed. It has been assailed in a manner and from quarters which gave to us no agreement. The scene we witnessed the other day during the delivery by the Senator from South Carolina [Mr. Rhett] of his harangue, surprised no one here; but it would have been a matter of profound astonishment to the country, if they could have been spectators of what occurred. There was the Senator from Massachusetts, [Mr. Sumner,] the Senator from Ohio, [Mr. Chase,] and the Senator from New Hampshire [Mr. Hale] gathered about him in a sort of fraternal ring, while the countenance of the Senator from New York [Mr. Seward] was radiant with gladness. Thus was exhibited the spectacle of an extreme Southern Senator denouncing, in no measured terms, the Government of his country, and declaring himself a disunionist, on account of alleged wrongs heaped upon him, with four as rabid Abolitionists as this land contains, drinking in his words with eager approbation—applauding, cheering and encouraging him. All this was nothing new to us, however strange it may appear to the plain and honest yeomanry of the country. Nor was it, when calmly considered, at all unnatural—

"A fellow feeling makes us wondrous kind."

There is a sympathy in treason as well as in knavery; and those who are earnestly striving to accomplish the same end need not quarrel about the separate means employed.

The senior Senator from South Carolina, [Mr. Butler]—to whom I never allude except in terms of the highest respect—has questioned the propriety of this resolution, because, he says, it can give no additional validity to the law. True, sir, it cannot.—But it can and will do something better. It will give an assurance to the country that we intend to put an end to agitation. It will stroke from the hands of the demagogue the most potent weapon with which he is armed. The Northern Free Soiler is daily proclaiming that there is no obligation upon him to abide by the compromise, because Southern men are determined to uproot and destroy it. In proof of this he cites the resolutions of Southern Rights associations, and the speeches of Southern Rights orators. The Southern secessionist tells his hearers that the compromise is a nullity, and cites in his turn the acts and declarations of his Northern collaborers. Thus they go on, each party playing into the hands of the other—each one furnishing the other with the means of rousing and keeping alive public distrust and enmity. If this resolution is passed by such a majority as I trust it will be, that game will be at an end. The friends of law and good order can point to a substantial assurance that the peace of the country and the existence of the Union shall not again be put in jeopardy. I was no friend of the compromise; nor is it necessary for me to say that I do not now approve of all its parts. I believe that by that settlement the North acquired more than she was fairly entitled to, and that we lost more than we ought to have been asked to yield. It is one thing, however, to resist the passage of a law, and quite another thing to resist the law after it has passed. When those bills had received the sanction of the President, the only alternatives which presented themselves to my mind were, *acquiescence* or *revolution*. Before revolution was resolved upon, I felt it to be my duty to examine in what manner the bills were passed, and against whom the war was to be levied. The result of that examination proved that if wrong had been done, the South as well as the North had participated in it, and that if secession was the remedy, we must secede from Southern as well as from Northern States. I intend to take up those measures one by one, and show the manner in which they passed into laws, not for the purpose of imparting any information to the Senate, but mainly to place upon the record in a convenient form for reference, facts which I sincerely wish were in the possession of every man in the South. Let no man attribute to me any special design to conciliate Northern men by what I am about to say. I have said the same things where there were no Northern auditors—no Northern sympathizers. It is not at all my purpose to defend the North. I have no intention of removing from the shoulders of her people one feather's weight of blame which justly attaches to them. They have sometimes exhibited a rapacity for the public spoils which no one has condemned in stronger terms than I have. But while I will not defend, I will not assail without cause. I intend to be just to them, as I hope to receive justice at their hands. The admission of California, however wrong in itself—however baneful in its influences, was no case of Northern aggression. I know the charge has been iterated and reiterated, until it has waked every echo in the Southern portion of the continent; but that only proves the tenacity with which men will cling to a cherished falsehood. Let me recapitulate the facts. The admission of California was first recommended by a Southern Democratic President. James K. Polk sent for the Senator from Illinois, [Mr. Douglas,] and requested him to draw up a bill for that purpose. It is true, the bill prepared by the Senator from Illinois was a better bill than the one which finally passed, but that does not affect the present inquiry. It recognized, if it did not establish, the principle, that the people of any part of the public territories have a right, under peculiar circumstances, to demand admittance into the Union, without any previous law of Congress authorizing them to adopt a constitution, and without any enumeration of inhabitants. It practically asserted, that the only question Congress was bound to ask before admitting a State was, "Is her constitution republican?" and affirmed that all irregularities might be waived when the public good required it. Congress did not act as Mr. Polk desired. The next step was also taken by a Southern President. General Taylor came into office, and recommended the admission of California as she is. Up to this time the North had manifested no eagerness to bring in California. Southern men only had moved in the matter. Nor was there ever at any time anything like unanimous opposition on the part of the South. When the bill was finally passed, eight of the fifteen Southern States furnished votes for it. Kentucky gave seven out of ten, and Tennessee seven out of eleven, to the House of Representatives—thus showing a decided majority in both States in favor of the bill. With what appearance of truth, then, can it now be asserted that this is an unmitigated case of Northern aggression, and that we of the South have been robbed of territory acquired mainly by Southern blood and Southern treasure. No two States in this Union acquired [illegible] Tennessee and Kentucky. Each one of them furnished four regiments of volunteers, exclusive of their due proportion of regulars, and both of them maintained on every field the character they had won in previous wars. The bones of many a gallant Tennesseean now lies bleaching beneath the walls of Monterey and in the pass of Cerro Gordo, and the field of Buena Vista was made red with the best blood of Kentucky. Can it be believed that the people of these States, whose dauntless courage has almost passed into a proverb, should not only be willing to submit to a shameless robbery of rights thus dearly purchased, but that they should themselves aid in that robbery and become a party to their own degradation? No, Mr. President, the truth is, it was a difference of judgment merely. I thought it wrong to admit California, and voted against it. They thought it right, and voted for it. They believed it to be in accordance with the great Democratic principle, that a people, whether few or many, are entitled to a government. Congress had failed to give California a government, and they felt bound to recognize that which the people had established. I do not intend to go into any inquiry as to how far the position was a sound one. I only intend to show, that whether California came into the Union rightly or wrongfully the South cannot secede from the Union on that account, because we should have to begin the work at home. If we have been robbed at all, Tennessee and Kentucky are more to blame than Indiana and Illinois. They are not only nearer neighbors, but they have interests identical with ours; and we had more reason to demand of them that they should guard with jealous vigilance our common rights. It seems to me that this is a dilemma from which no secessionist can escape, and that it at once reduces secession to an absurdity.

The Senator from South Carolina (Mr. Rhett) says the admission of California was unconstitutional, because the Constitution provides only for the admission of *States*. If I had not heard this same argument advanced at home by abler men than the Senator, I would not hesitate to pronounce it pure nonsense. The Constitution provides only for the admission of a State. True; but it is the act of admission which makes it a State. Some thirty-three years ago, you, sir, were sitting in a convention in the then Territory of Alabama, framing a constitution upon which you asked to be admitted into the Union. Did you imagine that you were committing the folly of asking that which Congress had no right to grant? Suppose some wiseacre had risen in that convention and informed you that the Constitution provided only for the admission of *States*—that Alabama was a Territory, and therefore could not be admitted into the Union—what would have been your opinion, not merely of his constitutional learning, but of his common sense? From that period to this, with only a short intermission, you have held a seat in this body. Has it ever occurred to you that you were here unconstitutionally, and that in the very act of taking your seat you violated the instrument you were sworn to support? There are but three cases, I believe, in our history in which *States* have been admitted into the Union—Vermont, Kentucky, and Texas. All the rest came in as Territories; and if the position of the Senator from South Carolina be correct, the early fathers of the Republic, the framers of the Constitution, knew nothing of the fundamental law they established. But, sir, while the Senator from South Carolina denies to California the right to come in because she was not a State, he yet contends, with that remarkable consistency which characterizes many of the opponents of the compromise, that Missouri did have that right. Now, sir, the only difference between the two cases is, that Missouri had a regular territorial government, and California never had. But they were both Territories nevertheless, and neither could ever become anything else without the assent of Congress. The people of both adopted a constitution and sent it here for approval; when approved they both became States, but not until then.

The next measure to which objection is taken, is the territorial bill for Utah. I might pursue the same line of argument here as in the case of California, and show that the South passed that bill, and if it robs us of any right we robbed ourselves. There was not an Abolitionist or Free Soiler in either branch of Congress who voted for it. There were but two Southern Senators who voted against it, and those two I believe were given upon the ground that they did not have much faith in the capacity of the Mormons for self-government. I voted for the bill, and the pillars of the Southern Rights Church voted with me. The Senator from South Carolina was not then here, but he now undertakes to call it a robbery, and, with inexcusable arrogance, denounces all those who differ with him as knaves or fools. I give him the benefit of his own words:

"Are not the people of the slaveholding States practically excluded by these compromise measures from colonizing one acre of these Territories? Sir, no man of common honesty, or of any honesty at all, who understands the matter, can say they are not."

I have said repeatedly here and elsewhere, that we are *free* to go to that Territory with our slaves, as to any Territory which has been formed since the adoption of the Constitution; and, although I am not more sensitive than other men, I do not like to have such language applied to my published opinions. The Senator must allow me, however, to console myself with the reflection, that his judgment is not infallible; that no matter by what standard he may measure himself—no matter by what standard he may be measured in South Carolina, *in that little spot* constituting the rest of the world, outside the limits of his State, there is a very prevalent opinion that the Senator would never have created an extraordinary sensation, even in the kingdom of Lilliput itself.

I profess to understand this subject better than the Senator from South Carolina. I studied it for information—he to find fault. I shall read from the law itself, to show what are the provisions of the bill—the same provisions are in the New Mexican bill—one is almost an exact copy of the other.

Mr. DOUGLAS. An exact copy.

Mr. CLEMENS. Yes, [illegible] to the names and boundaries.

The proviso in the second section is:

"*And provided, further,* That when admitted a State, said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of its admission."

Here is a guarantee which we have never had in any previous territorial government. It is the first time in our history that the North has proclaimed in advance its determination to leave the question to be regulated by the people of the Territory. I know there is like provision in the bill annexing Texas, but I speak now of Territories only, not of the partition of States. But that is not all. If I understand the views of that Senator correctly, he maintains that the Constitution of the United States protects our right of property in slaves, and that wherever that Constitution goes that protection extends. I agree with him fully, and I shall endeavor to show that the last Congress were not unmindful of our interests in this respect. Not satisfied with declaring that the Territory might come in as a State, with or without slavery, as the people should elect, they went further, and for the purpose of meeting the objection that the Mexican laws were in force in the Territories, they enacted, in the 17th section of the bill, that "the Constitution, and all laws of the United States not locally inapplicable, shall have the same force and effect as elsewhere within the United States."

Here is an express extension of the Constitution and laws of the United States over the Territory, and in effect a direct repeal of any Mexican law which might be supposed to exist. The Judiciary Act for the Territory also provides for the trial of *title* to slaves. Like the laws of Alabama, and I suppose of every Southern State, it provides for trials between the slave and his master, and also for the trial of the title of adverse claimants. The fugitive slave bill goes beyond the words of the Constitution, and says that when a person held to service or labor in any State or *Territory* shall escape, &c., he shall be delivered up, &c. The letter of the Constitution did not require the words "or Territory" to be inserted in the fugitive slave bill. We have but four Territories: New Mexico, Utah, Oregon, and Minnesota. In Oregon and Minnesota slavery is prohibited by law. If it is also prohibited in Utah and New Mexico, where was the necessity of inserting a provision that slaves escaping from a Territory should be delivered up?—The supposition is a stultification of Congress. It thus appears, Mr. President, that not only was this bill passed by Southern votes, but that it was framed to suit the taste of Southern men, and to obviate every reasonable Southern objection. I shall not discuss the question as to whether soil and climate have excluded us from the Territories. My opinion is that slavery will go anywhere where it is not excluded by law. That is immaterial. If God and Nature have excluded it we have no right to murmur at the decree. All we had a right to ask was, that Congress should not exclude it—that Congress should recognize our equal rights. When that was done, as I believe it was done, it then became a question for the *people of the Territory*, and to them I am willing to leave it. It may be well enough to mention a strange difference of opinion between the Senator and his abolition admirers. There is not one of them who has not told his constituents that the passage of these bills was a triumph of the slave power. But recently I saw a letter written from New Mexico by an abolition emissary there, to a paper in Mount Vernon, Ohio, in which he tells his abolition employers that New Mexico must be a slave State; that emigrants were constantly moving in with negroes, and that he believed his longer stay there would be only a useless waste of his time and their money. Now, whether he is right in this supposition or not I do not know. It is sufficient for me that the bill contains no exclusion of Southern men—no insult to Southern feelings. If the Wilmot proviso is practically in the territorial bills, Southern men put it there. It is a Southern, and not a Northern proviso.

The next measure of which complaint has been made, is the bill settling the boundary of Texas. Well, sir, it so happens that this also is a Southern, not a Northern measure. It was introduced by a Southern man, passed by Southern votes, and ratified by the people of the only Southern State who had any direct interest in it. It further happens that Mr. Calhoun, the great leader of the South during his life, has left on record his deliberate opinion that Texas never had a shadow of title to one foot of the territory we surrendered to the General Government. He asserted that the true boundary of Texas was the middle of the desert between the Nueces and the Rio Grande. We gave to Texas nine hundred miles on the Rio Grande, which, in his opinion, did not belong to her. Yet his especial disciples—men who have assumed a guardianship over his fame—endeavor to stultify him by declaring that the title of Texas was indisputable, and that we have sold slave territory to free soil. Sir, I believe I loved him better while living, and respect him more now, than any one of those who make use of his name to give respectability to treason. He was never a secessionist, and I am authorized to say that the proof will before long be given to the world. He regarded the attempt of a single State to go out of the Union as madness, and died in that opinion.

I pass now to the consideration of the fugitive slave bill. It is asserted, with a degree of confidence calculated to impose upon the country, that it has not been executed, and cannot be. My understanding of the facts is widely different. In the Northwest I recollect no instance in which it has not been enforced. I recollect many in which it has, including some from my own State. That it has been occasionally evaded in other places, is true; and that in some instances it has been resisted by violence, I do not deny. But that was to have been expected. It is so, and always will be so, of all laws in a country like ours. No man ever believed when this law was passed, that it would be executed in every instance. No man ever believed so of any law framed by the wisdom of man. It is sufficient that this law has been executed as faithfully as other laws.—Occa[illegible]. There is not a law upon our statute-books which is not sometimes evaded. There is not a year in which criminals do not escape the penalties prescribed by the law against murder; but that is no reason for the repeal of the law. It is better that the life of the citizen should be imperfectly protected than not protected at all. So in the present case, if the law does not secure the certain return of every fugitive, it does as much as any human law can do; and I can construe in but one way the conduct of that Southern man who desires to continue agitation about it.

Mr. President, I wish it always remembered that this resolution proposes *no approval* of the compromise. Any man who honestly means to cease agitation, can conscientiously vote for it. It is nothing but a public declaration of willingness to submit to the law and the voice of the people. We ask no man to retract any former opinion he may have expressed. We ask no man to join in praises of measures he has condemned. We ask only that hereafter this disturbing question shall be laid at rest. We, who are the victors in the struggle, tender the olive branch to our late opponents, and, forgetting the bitterness of the past, offer them a future of harmony upon terms so easy that none but a determined agitator can reject them. A Southern man makes no sacrifice in agreeing to acquiesce in the compromise; for granting that it be as objectionable as alleged, still the objectionable parts are irrepealable, and that which is good only remains under the control of Congress. California is a sovereign State, and cannot be remanded. The boundary of Texas was settled by compact, and cannot be disturbed. The territorial bills for Utah and New Mexico include an express guarantee that the people of those Territories shall regulate their own concerns in their own manner. There is nothing open for agitation but the fugitive slave law, and the law to abolish the slave trade in this District. Then let me ask, what possible objection a Southern man can have to this resolution, unless he desires the repeal of the fugitive slave bill and the destruction of the Government?

I did not vote for the abolition of the slave trade in the District of Columbia. I thought it wrong for Congress to meddle with it. I think it wrong now. But I would not to-day vote to repeal it. It is one of the series of measures upon which we rely for a settlement of the difficulties which existed between the North and the South; and however wrong I might believe it to be, still, as a settlement, I intend to abide by it. Moreover, it is precisely one of those cases which may with peculiar propriety be left to the decision of the Supreme Court. It can be determined there without agitation—without stirring up the embers of sectional strife; and to that tribunal I propose to leave it. While upon this subject, let me remark that this bill seems to have been strangely misunderstood. It is nothing new in the legislation of Congress. It has been the law of the District for fifty years, except as to the States of Virginia and Maryland. After Virginia received back her portion of the District, it applied also to her. All the last Congress did was to make it apply also to Maryland. I do not mean, of course, to say that these are the words of the bill, but that such is its only effect. The citizens of North Carolina, South Carolina, and other States have been denied the right of bringing slaves into this District for sale, ever since the year 1801; and throughout that long period we have heard no murmur of complaint. It is too late now to seize upon it as an excuse for agitation.

The Senator from South Carolina did not content himself with complaints upon the subject of slavery alone. He reviewed the financial policy of the country, and found oppression and robbery even in the tariff of 1846. Now sir, I have always understood the tariff of '46 to be a Democratic tariff. It has been a standing charge against the Democracy in certain quarters, that by that act we reduced the rate of duties too much.—The Senator himself was then a member of the House of Representatives, and voted for it. By reference to the Journal, I find that the whole South Carolina delegation voted with him. If, therefore, it be unjust and unequal in its operations, that Senator has much to answer for. He is the last man who should attempt to excite prejudice against it. Above all he should have refrained from referring to his own act as a case of *Northern robbery*.

I come now, sir, to that part of the Senator's discourse which referred to the doctrine of secession. The chief part of his labor seems to have been directed to the end of establishing, that every State has the separate right of peaceable secession. I certainly never expected to inquire in my place here, how far we possess the miserable right to tear asunder all the ties of affection and kindred—to trample under foot all the glorious memories of the past and blot out forever the hopes of the future. What is there in the possession of such a right that the mind should dwell upon with exultation? Why should we hoard it as a treasure? Why cling to it as the ark of our salvation? Sir, if it be a political ark, it is an ark of sorrow and mourning as well as of safety. If when the rains come, and the tempest is abroad in its might, it shall indeed bear us up on the bosom of the angry waves, it will surely deposit us when the waters have subsided, upon a desolate world, in which no dove will be able to find a single green branch to cheer the hearts of the wanderers. I have listened, not now for the first time, to labored efforts to establish this right of self destruction. I have heard it derived sometimes from one source and sometimes from another, and I propose to examine at some length the arguments by which it is sustained. It is said to be a *reserved right*; and certain resolutions passed by Virginia and New York are instanced as evidence of the fact. In the first place, the reservations made by Virginia and New York amounted to nothing more than was afterwards obtained by the adoption of the tenth amendment to the Constitution; and secondly, the argument proves too much, if it proves anything. If any reservation was made, it was because without that *reservation* the right could not exist. Virginia and New York could make no reservation for other States. South Carolina made none—[illegible] by others. It follows, then, that by the act of reservation New York and Virginia have secured to themselves rights which no other States possess; and as that is impossible under our Constitution—all the States being equal—the absurdity of any *reservation* of the right of secession, or any other right, becomes at once apparent. The truth is that no reservation was made; and if it had been, it would in the language of Mr. Madison have been a nullity merely. The Constitution was not submitted to the States for adoption by parts—they were required to take it as a whole, or not at all. They had no power to make reservations, or propose amendments. It was submitted for their adoption or rejection precisely as it came from the hands of the Convention, and in that form they accepted it.

Reference has been made to the opinions of the early statesmen of the Republic: I shall also have occasion to refer to them to show that the leading idea—the chief end they had in view—was the establishment of a *perpetual* Union. This idea was everywhere distinctly enunciated. I read from the Articles of Confederation:

"Whereas the Delegates of the United States of America in Congress assembled, did on the 15th day of November, in the year of our Lord 1777 and in the second year of the Independence of America agree to certain articles of confederation and *perpetual union*," &c.

So it is throughout. "Articles of Perpetual Union"—not a Union for a month or a year or for one generation, but a *perpetual* Union. Following in this lead, the framers of the Constitution, in the preamble to it, assert that "We, the people of the United States *in order to form a more perfect* union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to *ourselves and our posterity*, do ordain and establish this Constitution for the United States of America." It was not for the generation which was immediately to succeed them—it was for their posterity thro' all coming time.

I apprehend, Mr. President, that a great deal of the apprehension which exists in relation to this matter, grows out of the too loose application of the word "sovereign," to the States. We speak habitually of sovereign States; as if their sovereignty was absolute and unquestioned. But there is no such thing as a sovereign State within the limits of this Union. The Constitution has taken away from the States some of the highest and most essential attributes of sovereignty. They cannot coin money; they cannot emit bills of credit; they cannot punish treason against themselves; they cannot go to war; they cannot enter into compacts with other States; nay, more, the Constitution provides that the Constitution and laws of the United States shall be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding. Now, who ever heard of a sovereignty with the laws of another power superior to it known within its own limits? The States are sovereign for some purposes, and for those purposes only. Wherever their sovereignty has been taken away by the Constitution, they are not sovereign; and this right of secession is one that has been taken away.

There is one point, Mr. President, upon which I must here be permitted to make a remark. These gentlemen who are so exceedingly anxious to establish the peaceful right of secession, are the exclusive chivalry of the land. With but few exceptions, they are all regular "fire-eaters." Is it not a little singular, that with these propensities for war and blood—with all these chivalrous impulses, they should yet shrink from the assertion of a right unless their opponents will admit its peaceful nature? Sir, I know men in the ranks of the "submissionists" who whenever they feel the heel of the oppressor upon their necks, will not stop to inquire whether they have the right to throw it off. Above all, they will not beg him to remove it *peaceably*. The right of revolution, sir, is the manly right; and that right only do I admit.

We are told that authority for the right of secession is to be found in the resolutions of '98 and '99. So many men have sought to sustain absurd theories by referring to these resolutions, that I presume we ought not to be surprised even at this last and weakest attempt of all. Nor in this age of progress is it to be wondered at, that the wisdom of the disciple should far outrun that of the teacher. John C. Calhoun and George McDuffie examined the resolutions of '98 and '99 for the right of secession, and could not find it. They found, as they thought, nullification; but nullification is itself a denial of secession. We all know that some of the ablest efforts made by both of these great men, was to establish that nullification was the rightful remedy.—Sir, it was neither the Virginia nor the Kentucky resolutions which gave birth to secession. It has come down to us from a less respectable parentage. It began in that band of traitors who assembled in Hartford during the war of 1812 and 1814 for the purpose of separating the New England States from the rest of the Confederacy. It was then that the right of secession was first proclaimed, and it is in that latitude, that some of its warmest supporters are yet to be found. I cannot forget the terms of a resolution adopted at Syracuse last spring, when the Abolitionists were patting South Carolina on the back, and stimulating her to go out of the Union:

"*Resolved*, That odious as are the governing principles of South Carolina, we cannot withhold from her the praise justly due for her consistent maintenance of the great cardinal doctrine of the right of secession by a single State—a right vital to liberty, and the only safeguard of the several sovereignties, from a grasping centralization."

Sir, here is a singular concord of sentiment. Southern rights clubs South, and Abolition conventicles North, giving us the same definitions of State rights, and teaching Democracy from the same horn book. I repudiate the teachers, and deny the orthodoxy of the creed.

Mr. President, a friend has just made a suggestion to me, of which I gladly avail myself. The State of Louisiana was purchased from the French; it was paid for by taxes collected from the people of the whole Republic. It was purchased, not on account of any supposed value of the territory, for at that day we supposed we had territory enough for all our wants, but to secure the navigation of the Mississippi. The [illegible] ing that navigation free. Suppose Louisiana should say to-morrow, I am a sovereign State; I believe it to be my interest to go out and levy a tax on all vessels navigating the Mississippi. What would be the answer of those States so directly interested? They would say: We bought this territory; we were taxed to pay for it; the navigation of the Mississippi was a privilege which we regarded even at that day as indispensable to our prosperity; we cannot abandon it now without subjecting ourselves to the most ruinous consequences. If Louisiana should still insist upon her right as a sovereign State to do as she pleased the answer on the other side would be very apt to be, "provided you can." Let us take the case of Pennsylvania or New York, whose local position is such as to divide the Republic into two distinct parts. Does any one suppose that either of those great States would be permitted peaceably to leave the Union, and subject us to all the inconveniences of such a division? Sir, this doctrine of peaceable secession, by a single State, is as wild a vision as ever haunted the brain of a moon-struck politician. All rights, whether political or personal, are relative. All rights are to be exercised with reference to the amount of injury inflicted on others. No man has a right to burn down his house, if by so doing he endangers mine. No one State has a right so to act as to jeopard the liberties of the remainder. I refer, of course, to the *peaceable* right. The right of revolution—the right of resistance to oppression, is governed by no rules, and must be determined by the necessities of the time.

I promised to refer to the opinions of the framers of the Constitution. I quote first an extract from the pen of Mr. Jay. It is in the second number of the Federalist:

"It is worthy of remark, that not only the first, but every succeeding Congress, as well as the late Convention, have invariably joined with the people in thinking that the prosperity of America depended on its union. *To preserve and perpetuate it*, was the great object of the people in forming that Convention, and it is also the great object of the plan which the Convention has advised them to adopt."

Mr. Jay here tells his countrymen, while urging the adoption of the Constitution, that its great object is to preserve and *perpetuate* the Union; and can it be conceived that men having such objects, should have made a mere rope of sand—that they should have sown in the Constitution itself the seeds of its own destruction? And unless we do give credence to an absurdity like this, what becomes of the constitutional right of secession?

In the 41st number of the Federalist, Mr. Madison, after enumerating the evils of disunion, proceeds thus:

"This picture of the consequences of disunion cannot be too highly colored, or too often exhibited. Every man who loves peace; every man who loves his country; every man who loves liberty, ought to have it before his eyes, that he may cherish in his heart a due attachment to the Union of America, and be able to set a due value on the means of preserving it."

In the same number, in reference to the attempts made to create a prejudice against the Constitution, on account of the provisions in relation to the Army, he says:

"The attempt has awakened fully the public attention to that important subject, and has led to investigations which must terminate in a thorough and universal conviction, not only that the Constitution has provided the most effectual guards against danger from that quarter, but that nothing short of a Constitution fully adequate to the national defence, *and the preservation of the Union*, can save America from as many standing armies as it may be split into States or confederacies."

Where can we look for stronger evidence that it was the purpose of the framers of the Constitution to make a government *strong enough to preserve the Union*? And how utterly irreconcilable with this object is the right of a single State to destroy it?

Again: in the 43d number of the *Federalist*, he quotes an article of the Constitution, as follows:

"The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States ratifying the same."

And adds:

"This article speaks for itself. The express authority of the people alone could give due validity to the Constitution. To have required the unanimous ratification of the thirteen States, would have subjected the essential interests of the whole to the caprice or corruption of a single member. It would have marked a want of foresight in the Convention, which our own experience would have rendered inexcusable."

Here we find Mr. Madison asserting the great truth, that to have required the unanimous ratification of all the States would have subjected the essential interests of the whole to the caprice or corruption of a single member. Can it be possible that those who, in the formation of the Government, were unwilling to subject their happiness to the caprice or corruption of a single member, should, when that Government was formed, subject it to any such caprice? Will any man assert that men in their senses, much less men renowned for wisdom—men whose names history will perpetuate throughout all coming time, could have been guilty of an inconsistency so glaring—a folly so inexcusable?

I read now from the 44th number of the same work:

"The question, therefore, whether this amount of power shall be granted or not, resolves itself into another question: Whether or not a Government, commensurate to the exigencies of the Union, shall be preserved?"

Everywhere, throughout all his writings, the great object expressed is the preservation of the Union and the establishment of a Government strong enough for that end. Nowhere has he left it doubtful: nowhere has he intimated that any member of the Confederacy had any right to destroy the bonds which binds us together, and jeopard the happiness of a whole people.

Let me now refer to his opinions of State sovereignty. They are to be found in the 45th number of the work from which I have been reading:

"But if the Union, as has been shown, be essential to the security of the people of America against foreign danger; if it be essential to their security against contentions and wars among the different States; if it be essential to guard them against those violent and oppressive factions which embitter the blessings of liberty, and against those military establishments which must gradually poison its very fountain; if, in a word, the Union be essential to the happiness of the people of America, is it not preposterous to urge as an objection to a Government, without which the objects of the Union cannot be attained, that such a Government may derogate from the importance of the governments of the individual States? Was, then, the American Revolution effected, was the American Confederacy formed, [illegible] not that the people of America should enjoy peace, liberty, and safety, but that the governments of the individual States [illegible] might enjoy a certain extent of power, and be arrayed with certain dignities and attributes of sovereignty? We have heard of the impious doctrine in the Old World, that the people were made for Kings, not Kings for the people. Is the same doctrine to be revived in the New, in another shape—that the solid happiness of the people is to be sacrificed to the views of political institutions of a different form? It is too early for politicians to presume on our forgetting that the public good—the real welfare of the great body of the people—is the supreme object to be pursued, and that no form of government whatever has any other value than as it may be fitted for the attainment of this object.—Were the plan of the Convention adverse to the public happiness, my voice would be, *Reject the plan*. Were the Union itself inconsistent with the public happiness, it would be, abolish the Union. In like manner, as far as the sovereignty of the States cannot be reconciled to the happiness of the people, the voice of every good citizen must be, let the former be sacrificed to the latter. How far the sacrifice is necessary has been shown. How far the unsacrificed residue will be endangered is the question before us."

It is possible I may be asked what remedy Mr. Madison proposed in a case of intolerable oppression? He himself has furnished the answer. He understood well that it was possible for a case to arise in which it would become the duty of a State to resort to revolution, but he never dreamed of secession as a remedy. It never occurred to him that there could be such a thing as a peaceful withdrawal from the Union. The American Revolution was fresh in his memory, and he understood no method of destroying a Government but by force of arms. His remedy for oppression is plainly expressed in the 46th number of the Federalist:

"But ambitious encroachments of the General Government on the authority of the State governments, would not excite the opposition of a single State, or a few States only. They would be signals of general alarm. Every government would espouse the common cause. A correspondence would be opened. Plans of resistance would be concerted. One spirit would animate and conduct the whole.—The same combination, in short, would result from an apprehension of the Federal, as was produced by the dread of a foreign yoke; and unless the projected innovations should be voluntarily renounced, the same appeal to a trial of force would be made in the one case as was made in the other."

These were the opinions of Mr. Madison. They are the opinions of every one of the sages to whose teachings we have been accustomed to look for advice in times of difficulty and danger. I need not recite to you, Mr. President, the views of Gen. Jackson. They have been too recently read in the hearing of the Senate. I need not repeat to you the opinions of any of the distinguished men who have now departed from amongst us.—Sometimes, it is true, that in some of their writings the word "secession," or something equivalent to it, is used. I believe Mr. Jefferson never used the word. In one place only he used the word "scission." I do not recollect to have seen the word "secession" in any of his writings. Sometimes, from the natural belief resting upon their minds that there could be but one mode of destroying an established government, and that by revolution, they may have used words which by a forced construction may give some plausibility to the doctrine of secession; but always in tracing it out, you ascertain that when they speak of breaking up a Government, they mean revolution.

Let us suppose, however, that the right exists. What is there in our present condition to justify a resort to it? The sun of Heaven never shone upon a happier land than this. There is not an individual in its wide limits who can specify a single essential right of which he has been deprived. Here every man can seat himself beneath his own vine and his own fig tree, and looking around him, may proudly exclaim: "All this is mine.—