

Remarks of Mr. Badger.

On the Texas boundary, delivered in the Senate, August 21st, the motion of Mr. Foot to lay the boundary bill on the table, for the purpose of taking up the California bill, having failed:

Mr. BADGER. Mr. President, I agree with my friend from Ohio that when Rome reported to money for the purpose of purchasing from her territory the northern barbarians, she committed an act which must necessarily have been fatal. It was either an acknowledgment of her inability to defend herself, or it was a measure which was certain, in the result, soon to make her unable to pay demands against her. But I am totally at a loss to perceive what application the case referred to by my friend has to the question now under the consideration of the Senate. I agree with him that it would be a fatal policy for the United States to undertake to buy off her enemies. But I do not consider myself, when I am dealing with the subject of disputed title of Texas, as treating with an enemy.

I will go a step further, and say that if a State of this Union should set up a mere unfounded, barren, unsupported claim of title to what undoubtedly belonged to the United States, that the United States ought not to purchase any such claim, merely because it should be asserted; for the very obvious reason that this would be like the case of purchasing of enemies; and it would give rise to a great many unfounded claims. But is there any analogy between that case and the case under the consideration of the Senate? I agree with the Senator from Ohio—and I have heretofore expressed the opinion—that Texas has not a legal and valid claim to this territory. But I cannot say that Texas has not, in my own view, a color of a claim to it. I cannot doubt that Texas believes that she has a complete and valid title to it. And I have not exactly that entire confidence in my own judgment upon a question of the title to suppose that that must necessarily be true which strikes me as being true.

Mr. EWING. Will the Senator allow me to lead him to the point? At the point to which the Senator alludes I was touching upon the claims of Texas to this title. I agreed with the honorable Senator that she was not entitled to it. But we are told here that she will support that title by arms. This is a reason that is urged why we should give a sum of money or give land to settle that question. It was that argument I was answering when I said I would not buy peace when war was threatened. That was the use I made of the argument. Being so designed, if the claim of Texas is not enforced by arms, that argument is gone; it is out of the way. I said that however they might threaten to assert it by arms, still I would do what was right, and under threats of that kind I would meet out to her nothing more than strict justice.

Mr. BADGER. I am very much obliged to my friend for leading me to the point. But if he had waited for a few moments, he would have found that I was coming to it without any leading. I have not as rapid progression as my friend. I do not think as fast. On account of my build and habits I cannot do it.

I was about saying, when I was taken under the kind guidance of my friend, that I could not consider this question, whether Texas has or has not a good title, one upon which I could pronounce with authority. My own opinion is that she has not. But I know that there are gentlemen, in and out of this chamber, whose opinions are entitled to far higher consideration than my own upon every question of this kind, who believe that she has a good and complete title. To instance no others, here is my honorable friend from Georgia, (Mr. Berrien,) than whom there is no man more competent to form a correct legal conclusion upon a question of title. He is of opinion, and has offered an argument to prove it, that Texas, as against the United States, which is really the question for us to consider, has a good and effectual title.

Then, Mr. President, this being a case in which Texas does not set up a false claim, in which Texas does not bring forward a title to obtain that which she knows belongs to the United States, it being a case in which the most intelligent and respectable gentlemen, lawyers and statesmen, believe that she has a good title, I, for one, am disposed to treat with her in this bill as if she had a good title. She is not one of our enemies. She is a member of this Union; she forms, in common with the twenty-nine other States of this Union, that country to which I belong. And I am totally unable to perceive how the illustration offered by the honorable Senator from Ohio can have any application to the case under the consideration of the Senate.

It is said that Texas threatens. Now, sir, I do not know how far the fact that Texas threatens may be influential, or ought to be influential, in operating upon the mind of any of us here. But this I do say, that the probability that this question of title and possession is not settled, and may be made instrumental in involving the country in civil war, is with me a high and overpowering motive for settling it. In that respect I have more courage than my friend from Ohio. I have so much courage in that particular, that I am willing to incur the charge of having acted under intimidation. I am willing to admit that I am intimidated at anything which supposes a violent conflict among the different members of the Union.

Mr. President, I recollect well that when the question of Catholic emancipation, many years ago, was before the English House of Lords, and when, in addition to the arguments of the intrinsic propriety of that measure, giving an equal

participation in the Government to the Catholic subjects of the king, it was urged upon the House that such was the excited state of things in Ireland, such the bitterness of animosity, such the determined demand for this concession of equal privileges, that the refusal of that measure would involve Ireland in civil war, some lords who had never seen a battle field, who had never seen a squadron in the field, who knew nothing of arms, except those which were used in sport, treated with scorn the argument. They said, "if Ireland has not a right to demand these concessions, we will not yield them to her though civil war might follow the refusal." They said, "let civil war come, who fears?" But I recollect very well that the same "Iron Duke," who had participated in a hundred conflicts, far from entertaining such opinion, or believing it would be an imputation upon his courage to yield more than he might think strictly demandable of right, to such considerations, expressed himself to this purpose: "My Lords, said he, it may naturally be supposed that from the whole habits of my life, I should be as little moved by such a prospect of civil war as any other member of your lordships' house. But for one, I confess I am alarmed. I tremble at the prospect. I have seen war; I have seen civil war; and I know what it is. That consideration therefore, however it may influence other members of this house, will powerfully interest my determination."

Sir, my honorable friend from Ohio is far, far braver in this respect than I am. He is far, far braver than the "Iron Duke," who would do almost any thing that could be demanded to avoid a civil conflict—a civil war. I would pardon much, if much there were to pardon, of bluster and threatening and apparent intimidation on the part of Texas. It can not be supposed by Texas that the United States can fear to meet her in a conflict. When, therefore, we yield to considerations of an excited state of mind in that people, when we come forward willingly to settle what that people believe to be a good title, and what a large proportion of our own citizens believe to be a good title, although we may doubt it ourselves, we are not yielding to any unworthy fear, but, in my judgment, we are yielding to those considerations which a high, an anxious desire to promote the welfare of this whole country should always induce us to suffer control.

Therefore, Mr. President, so far as I am concerned, I do not enter into any inquiry whether we are allowing to Texas a little more or a little less than, according to any strict construction of her right, she may be justly entitled to. I am willing to settle this question and to leave the matter, whether five, or ten, or fifty millions of dollars be paid for it, to me a consideration not equal in importance to the great results to be obtained. I would not put it for one moment in comparison with any battle-field in which American blood should be shed by American arms, in which brothers should stand against brothers, with their eyes flashing hate, and plunging steel in each other's bosoms. I have not courage to look upon that. I am too utterly and absolutely cowardly to contemplate such a scene with anything but horror. I wish, therefore, to settle this boundary question. I stand ready to vote for the bill. But I have yet heard no answer to the question put so promptly by the Senator from New Hampshire, (Mr. Hale,) whether we have any reason to suppose that an effectual protection of liberty, property, and religion, guaranteed to the inhabitants of this province, will not be perfectly secure under the Government of Texas.

DEBATE IN THE SENATE.

August 1, 1846.

FOOTE FROM TEXAS ON CHIVALRY.

Mr. FOOTE. Well, sir, those who have at all observed the proceedings of public meetings in South Carolina could not have failed to notice that, amidst the bold, high spirited people who therein abide, (a portion of whom seem to imagine that there is no intellect, no patriotism, no eloquence, no anything of a nature to impart dignity to any man, as a moral and social being, beyond the territorial boundaries of the sacred Palmetto State,) there are comparatively but few persons who content themselves with taking the ground that a sovereign State may secede from the Union in event of the Wilnot Provision being adopted, or other kindred measures. Nearly the whole population go much further—I might almost say infinitely further. They contend that a single State may, whenever she chooses to do so, put an end to the union, concord, and happiness of twenty millions of people, whether they have aggressions to complain of or not. This is undeniably a new phase of the disunion doctrine which the exciting circumstances of the present times have served to develop and which inflamed sensibilities and weak heads can alone account for. Mr. Barnwell Rhett, well known here at one time as a self sufficient, but very unimportant member of the House of Representatives, avows himself a disunionist per se, and seems to imagine himself capable of wielding all the physical and moral power of South Carolina against the Union.

Let me read to you a few extracts from the newspapers of that State, which I fear express the public sentiments there at this unhappy period. First, I will read an article from the Charleston Mercury, the leading organ of a certain faction in South Carolina, of which I feel authorized to say, that in my judgment a more flagitious, unprincipled and treasonable paper has never been printed anywhere in Christendom.

It is my opinion that the North will

consent to no compromise which the South ought to accept. Let us open our eyes to the truth. If the institution of slavery is to be maintained and strengthened, instead of being gradually weakened and finally abolished, the Union between the slaveholding and non-slaveholding States must be dissolved.

And yet I was denounced some time ago because I said some southerners demanded certain amendments to the constitution; and if they could not obtain them, they were in favor of disunion. But subsequent events have proved that what I said was true.

The article then goes on to say:

"If that cannot be obtained, let the Southern States give notice to the Northern, that they resume the powers granted under the constitution, since they have been perverted to their injury and oppression, and proceed at once to elect delegates to a convention to frame a constitution for the Southern United States of North America."

Mr. Butler. From what paper did the gentleman read?

Mr. Foote. From the Charleston Mercury.

Mr. Butler. Is that "South Carolina?"

Mr. Foote. It is in South Carolina.

Mr. Butler. Is that "South Carolina?"

Mr. Foote. Not at all.

Mr. Butler. What is the signature to that article?

Mr. Foote. "Anti-Compromise."

Mr. Butler. Ah! I thought the Senator was speaking of the anonymous writer "South Carolina."

Mr. Foote. The honorable gentleman is mistaken. I did not say any such thing. I did not say that the Charleston Mercury was South Carolina. I said it was the leading organ of a treasonable faction in South Carolina. And I now say that the columns of that paper furnish evidence in proof of what I have now stated. Does the gentleman repudiate the paper?

Mr. Butler. Not at all.

Mr. Foote. If the gentleman did, the paper would repudiate him in turn, and he might lose as much as he would gain by the proceeding. [Laughter.] Then, the paper, not standing repudiated, stands tacitly sanctioned now. Where is the gentleman at this moment? Has he gained any advantage worth boasting of by his unresponsible interrogations?

I now propose to read one or two toasts drunk at public meetings in South Carolina, which may be looked upon as more or less indicative of public sentiment here.

Here is one of the toasts I wish to read:

"By Sergeant (remember he is a sergeant!) B. F. Boyce. The Union: The time is fully come. Let us cut asunder the accursed knots which bind us to northern fanaticism and oppression, and spurn their fragments."

"Sidney" in the Maron (South Carolina) Telegraph, hails Mr. Rhett's speech with delight, and exclaims, "Let us dissolve the Union and be done with it!" Who dare say that here? The same writer continues:

"To the able and fearless statesman who has spoken to us in patriotic truth, and has called upon his fellow-citizens of his State, and of the whole South, to join him in enforcing the only remedy for our crushing wrongs now within our reach—a dissolution of the Union—I say, Advance! My hand is feeble, but whatever of strength it has is his!"

Sir, let me next allude to a speech of a gentleman whose eloquence is much commended. The very particular mention he made of me seems to render it necessary that I should say something of the speech of Colonel (!) Maxey Gregg, of Columbia, South Carolina. After talking for some time about the Nashville Convention, goes on to say:

"Perhaps, however, California by itself might be admitted. In that event, we ought to secede and take it by force."

Yes, sir, this gentleman proposes that if California should be admitted, South Carolina should secede and take it by force. [Laughter.] He then says—

"If nothing is done at the present Congress, we ought to pursue the same course."

And if nothing at all is done, he tells them they ought to pursue the same course. [Laughter.] This is the braggart menace of one of the "chivalry" of South Carolina. I have really wished, since I saw this out-break of heroism, that the author of "Don Quixote" could be revived from the tomb, for the purpose of giving us another delicious romance on Knight Errantry, or rather American chivalry, or if the gentleman will allow me, "South Carolina chivalry." I do not know whether or not the speaker from whom I have quoted actually belongs to the "chivalry" himself; but he seems to use brave words, and would doubtless make them good upon any equal field. Colonel Gregg goes on to say—

"Other modes to resistance might be proposed and adopted; but, in the event of their inefficiency, other and more decisive steps would be taken."

How very valorous! How alarmingly menacing!

Mr. Butler. If the honorable Senator wishes to know who Colonel Gregg is, I will tell him.

Mr. Foote. I think I know him very well from this speech. [Laughter.]

Mr. Butler. Colonel Gregg is a man of high character. He would make true his word on any field. He was an officer in Mexico. I know of no man of more remarkable purity of character than Colonel Gregg. He may have these warm sentiments; but there is no man that has a purer character.

Mr. Foote. Undoubtedly. I would not have noticed him if I had not supposed that he was a distinguished man.—[Laugh-

ter.] I am producing testimony. It is exceedingly generous. Instead of endeavoring to call in question or weaken the testimony brought forward against him, he goes forward voluntarily for the purpose of bolstering up testimony which is strong enough to accomplish its purpose without his aid. I certainly do not doubt in the least that Colonel Gregg is an eminent man, an accomplished gentleman, and possessed of all the high qualities of head and heart which his friends may attribute to him. I only say that his views, acted out, however conscientiously entertained, would, in my judgment, amount to treason. It is not my intention to use language of personal derision or insult. By no means. My respect for the honorable senator from South Carolina, if so other motives, would preclude me from the use of language which would convey a personal affront. I am speaking of personal acts, though, and must be allowed to speak with becoming freedom. As I say further, that such high testimony as is furnished by Col. Gregg appears to be well entitled to regard, when we are inquiring into the actual condition of public sentiment in the State of South Carolina. Can the honorable gentleman from Virginia defend the language which the gentleman uses? Would any man in the Old Dominion use or justify such treasonable language? But Colonel Gregg then went on to say—

"We had no need to fear a war springing out of the formation of a new Government; that we had the right to secede; and if it were necessary and advisable, it did not become men to be deterred from exercising it."

Col. Gregg goes on to say:

"Besides, if war should come, it must terminate favorably to the South. It will do so, because we were a more warlike people than our opponents, and would have that decided advantage attendant upon superior spirit and valor. [Laughter.] Moreover, we were an agricultural people, while our opponents were engaged in manufactures and commerce; and the former always have the advantage over the latter in a protracted struggle. This is illustrated by a reference to the Carthaginian war. [Very classical.] Besides this, we have the mouth of the Mississippi river."

[They have got the mouth of the Mississippi in South Carolina! [Laughter.] I did not suppose that two hundred men in South Carolina had ever seen the mouth of that noble river at all.]

To repeat, he says:

"Besides this, we have the mouth of the Mississippi river, [Laughter.] and by this means can blockade the whole north western States [!]"

Yes, gentlemen of the Northwest, you are in imminent danger of an armed blockade, to be set on foot by a South Carolina major or colonel. [I do not know exactly which,] and you ought at once to prepare yourselves for the process of having your means of egress hermetically obstructed by the chivalry of South Carolina! [Great Laughter.]

This is really, Mr. President, about the most laughable speech I ever read; and its powers of awakening ludicrous emotion is greatly enhanced by the fact that the orator is one of the remaining great men of South Carolina.

Well, sir, though I have always voted for the line of 36° 30' when I have had an opportunity, I confess that I never yet in my life thought for a single instant of making it an ultimatum; nor can I easily perceive how any person, being possessed of the ordinary quantum of reasoning power, would think of such a thing as a practical proposition. The truth is, it is chiefly insisted on will a view to disunion, and that the whole country with shortly understand, and when the disunion plot, which I have known to be on foot for several months past, shall be once plainly laid open to the people of the South, both plot and plotters will be consigned to undying infamy, or I have read the pages of republican history in vain, and the enlightened freemen of America will prove themselves wholly incapable of that self-government upon which they have heretofore so much prided themselves. May God, in his mercy, save our beloved country from the ruin and degradation in which ambitious and unprincipled demagogues have striven to involve us!

Mr. Butler. The senator from Mississippi has endorsed the doctrines contained in the Jackson proclamation.

Mr. Foote. Not the whole.

Mr. Butler. He says he approves them with very slight qualification. I do not know when he changed his opinions. He says he has belonged to both parties. He may at that time have been a federalist.

Mr. Foote. Will the honorable senator bear with me? I do not know what his object is. Does he mean to insult me?

Mr. Butler. No, oh, no!

Mr. Foote. I never belonged to but one party in my life. The honorable senator is misinformed. There was a period in my life when I acted with the whig party on certain questions, but the record of the next winter shows that I voted with the democratic party. I never called myself a whig in my life. I never was a federalist. That term, I suppose, is the same now as ever. I have belonged to the democratic party all my life, and have always voted with them, except on some few subjects. Now let the senator make the most of it.

Mr. Butler. I do not think it altogether parliamentary to bring in newspapers here to read for the purpose of attacking strangers. I think it very wrong. I would think I was not dealing fairly by the kind. He had thought proper to do so. Let him have them. I close by saying that he shall have the full benefits of all the federal doctrines in Gen. Jackson's proclamation.

Mr. Foote. The honorable senator is not very generous. I have not assailed South Carolina. He has the evidence that his chestnut popped itself at me before I knew of its existence. I am denounced publicly in terms of contumely and reproach—denounced in more than half the newspapers of South Carolina. And it is not the first time I have been thus assailed. I have been denounced almost in every county in the State; and yet he expects me to submit to all this injustice without repining or complaint. Sir, I am no Job, and never professed to be; and when wicked men combine against me, and drive me to retaliation they must be content with such results as the conflict may afford.

Sir, I have risen chiefly to save my State from dishonor; and had I not done so, I should have been traitorous to her interests. The honorable senator from South Carolina speaks highly indeed of these gentlemen, Mr. Gregg and Mr. Chesnut, and says they would not fear to encounter me.

Mr. Butler. I spoke of an encounter in the form of discussion, and that only.

Mr. Foote. Well sir, I may well say I am not a very potential personage, either physically or mentally; but I shall, notwithstanding, not recoil from the challenge so gallantly tendered. And I now say to the senator from South Carolina, that whenever I shall be informed that either he, or any of his friends, wish to controvert with me the questions now under debate here, I will make it quite convenient for them to meet me; for I will even go to the heart of South Carolina in order to encounter such champions. I know my own limited powers as a debater; but in such a cause I shall expect to be triumphant, even in South Carolina. If the honorable senator or his friends choose to invite me to Charleston or to Columbia, for the purpose of free and courteous debate, they will soon find the invitation accepted. I do not think that I should be hung over to go to Charleston, upon such an errand, or to any other city in South Carolina, and shall always be found willing to risk myself among the chivalry, whenever called on in proper form.

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