

The people work now in progress in North Carolina, exhibit the fruits of a well-ordered sensibility, and point with increasing certainty and force to the execution and completion of others not yet commenced.

The extension of the North Carolina Rail Road East and West, connecting on one hand, with the main-line of the Atlantic Ocean, and on the other, with that great current and stream of international communication in a high degree forming the life-veins and arteries of the National Union, must occupy a prominent position in any scheme promising to enable and improve the State.

Other works, more sectional in their character, will readily present themselves to the favorable consideration of those more immediately interested in them. To what extent it will be prudent at this time to embark in new works of internal improvement, until ample means shall have been provided for the faithful and energetic completion of those already authorized and undertaken, it is not for me to say.

RALEIGH AND GASTON RAIL ROAD.
The Raleigh and Gaston Rail Road being now the property of the State, will claim that attention, which is due to it, as well from the consideration of its convenience and value to a large portion of the State, as on account of the deep pecuniary interest which is attached to it as the State's property.

The superstructure of the road, both of iron and wood, is in a very dilapidated condition, and extensive repairs are absolutely indispensable to its further use. The commissioners to whose care the Legislature committed it, have, with watchful diligence and with the efficient aid of the President and the officers of the Road, kept it up; and by curtailing expenses, reducing salaries and enforcing the strictest economy in all its departments, have been able to continue its operations without making it a charge upon the State. Its receipts for the year 1849, have been equal to about \$62,150, and for the year 1850, \$68,055, the whole of which has been consumed in the ordinary current expenses, and in the purchase of new iron and repairs.

To enable you to understand the true state and situation of this property and to legislate intelligently upon the subject, the Board of Commissioners employed Maj. S. M. Fox, an Engineer of skill and experience, to examine the whole line of the road, its appliances, the grading, the superstructure, the Bridges, Depots, Engines, &c. &c., and to make a report thereon. This will present a more reliable and satisfactory account of it than could be given by the Board of Commissioners, or the officers of the Road, or by any committee of the General Assembly. This report will be laid before you in a short time, together with a report of the President of the Road, and the proceedings of the Board of Commissioners for the two years last past.

STATE'S CLAIM ON UNITED STATES.
In accordance with a resolution adopted by the last General Assembly, relating to the State's claim against the General Government, for money advanced, and transportation furnished to the N. Carolina volunteers in the recent war with Mexico, at an early day after the adjournment of the Assembly, I procured from the Comptroller's Office the vouchers and papers pertaining to the claim, and caused them to be presented to the War Department at Washington, for the payment of the principal and interest, according to the provisions of the Act of Congress upon that subject. This claim of the State amounts, in principal money, to \$9,467.73.

In the month of April ensuing, I was notified by the second auditor, that the sum of \$85 25 had been allowed and would be paid upon proper application, while the residue of the claim had been rejected. Whereupon, I addressed a letter to the Secretary of War, desiring to know the grounds of this decision and to learn whether it were in my power to remove the objections. His reply returned me your correspondence upon the subject, and at an early day after the commencement of the late session of Congress, I addressed a circular letter to each of our Senators and Representatives, calling their attention to the matter, and inviting their co-operation in having payment of the claim provided for by an act of Congress. A bill was accordingly introduced in the Senate by Hon. Mr. Butler; it was passed by that body and sent to the House of Representatives, where it remained, without any final action had upon it, until the termination of the session.

During the pendency of the bill before the House of Representatives, I was again notified by the 2nd auditor, that the additional sum of \$100 had been allowed at his office. No steps have been taken to place these paltry sums in the Treasury. No valid reasons can be shown why this claim of North Carolina should be rejected, while similar claims from other States have been freely allowed and paid.

WESTERN TURNPIKE AND CHEROKEE LANDS.
An act was passed at your last session, "to provide for a Turnpike Road from Salisbury, West, to the line of the State of Georgia." By this act, it was made the duty of the Governor to appoint a competent and experienced Engineer and three Commissioners to survey and locate said Road; and upon the report of the Engineer and Commissioners being presented to the Governor, it was made "his duty further to appoint one of said Commissioners, or other suitable persons, to act as Agent of the State to contract for, and superintend the making of said Road."

The demand, in the neighboring States, for men of science and practical skill in civil engineering, for their various public works of internal improvement, was such, that I met with some difficulty and delay in procuring the services of a suitable Engineer for the work in question. Major S. Morlan Fox at length presented himself, and being satisfied entirely of his skill and fitness, I appointed him Engineer, and Messrs. Andrew H. Shuford, of Catawba; Joseph J. Erwin, of Rutherford; and George W. Hayes, of Cherokee county, Commissioners under the act. Subsequently Joseph J. Erwin resigned, and I appointed E. D. Austin of Rowan to supply the vacancy. The extent of the reconnaissance and the number of experimental lines necessary to be run to determine the most eligible route for a Road traversing a succession of mountains, which had no roads by which to be crossed, required greater labor and consumed more time than was anticipated. Since the completion of the survey, the Engineer and his assistants have been engaged in making such a map, profile and description of the Road, as would be indispensable to the State's contract with letting out and superintending its construction.

This has delayed the report of the Engineer and Commissioners, and is not to contract for and superintend the work has been postponed. In a few days I shall make you a special communication, transmitting a topographical chart of the Turnpike, together with a copy of the report of these gentlemen, showing the cost of their work and the expense of the party in detail; and suggesting some alterations in the law which are believed to be essential.

At present, I call the attention of the Legislature to an important inquiry connected with this subject. Among the funds appropriated and pledged for the making of this Road are all the debts now due the State for the sale of the Cherokee lands. It will be remembered that at the time when these debts were made, a spirit of adventure and speculation, which pervaded the United States, had been kindled with many in the purchase of those lands; while others, stimulated with the desire to get in their hands dwellings and improvements, entered into the connection of holders, and that for land sold, in some instances, for half its value, for proceeds beyond its value. While the public Jan in of the State had been granted, under

the entry laws, at five cents per acre to others, these have been sold at from three to thirty dollars per acre.

Impressed with a knowledge of these facts, the Legislature has from time to time provided for the collection of these debts. In the year 1844, an act was passed establishing a Board of Auditors to inquire and make report, as to solvent and insolvent purchasers, and allowing those who were found unable to pay, to surrender their lands to the State, directing their bonds to be cancelled and delivery of up, although the arrears in said bonds might be good. By virtue of this act, a large amount of these bonds were returned to the purchasers, and they were released from their contracts. In the year 1846, another act was passed for the relief of the same kind of debtors, by which they were allowed the right of preemption of said lands at the fair cash valuation, assessed by the said Board of Auditors.

Why this discrimination between purchasers? If the principle debtors, who were unable to pay the price originally agreed upon, were released, together with their creditors, and were allowed to repurchase the same land at the new assessment, why should those who are solvent be held to a hard bargain and be compelled to pay more conscientiously than the land is worth?—be forced to pay the whole of the purchase money, and in many cases be rendered bankrupt by the operation?

In my judgment it is the true policy of the State not to oppress any of her citizens, nor coerce them to the fulfillment of an ill-judged or ruinous speculation. Establish then a new board of auditors, who shall assess the fair cash valuation of the residue of the lands, and allow all purchasers to retain them at the valuation and be relieved from the excess.

By this course you will secure the speedy settlement of this protracted indebtedness, and long vexed subject; grant fair and honest relief to an oppressed and patriotic people, and attach good citizens to the State; while by the contrary exacting process, you ruin many and compel others, in order to save something from the general wreck, to abandon their homes, to quit the State, and leave nothing at last for the satisfaction of their indebtedness, but the intrinsic value of the land itself.

I commend this subject to the generous and equitable consideration of the Legislature. In the original sales, all of the Cherokee lands not estimated to be worth twenty cents per acre, were not surveyed and offered for sale; and there remains in addition, according to the reports of the State's agents a large quantity of these lands, the property of the State, not subject to the entry laws, and for the disposal of which no provision has been made.

All of these lands having, by the act of the last session, been appropriated to the construction of this Turnpike road, provision should be made at once for the bringing of the whole of them, surveyed and unsurveyed, into market, that their value may be realized and made available for the purposes declared by the act.

FAYETTEVILLE AND WESTERN PLANK ROAD.
By an act of the last session of the General Assembly, chapter 89, entitled an act to incorporate the Fayetteville and Western Plank Road Company, the Public Treasurer was required to subscribe, in the name and on behalf of the State, for three fifths of the capital stock of said company, amounting to the sum of \$120,000; and to enable the State to pay her said subscription, the Treasurer was required from time to time as the money should be called for, to issue Bonds, under the great seal of the State, signed by the Governor and countersigned by the Treasurer, and to convert them into cash. In obedience to the requirements of this statute, Bonds to the amount of \$50,000, to the 1st November instant, have been issued, and the proceeds applied as directed leaving an amount of \$70,000 to be thereafter issued, in the manner and on the terms stipulated therein. This subject will be again referred to in the Report of the Board of Internal Improvement, which will be presented at an early day.

CAPE FEAR AND DEEP RIVER NAVIGATION COMPANY.
In obedience to another act of the last session, Chapter 92, requiring the Governor of the State, upon certain terms, conditions and limitations therein expressed, to subscribe, in the name and on behalf of the State, \$80,000 of the stock of the Cape Fear and Deep River Navigation Company, I have made a subscription on the Books of said Company, for the first instalment of \$40,000, and the Public Treasurer has passed over to the Company the sum of \$20,000, as provided for by the Act.

These Companies are progressing in their enterprises with great vigor and success, and the residue of the State's subscription may be expected to be called for in a short time.

CLUBFOOT & HARLOW CREEK CANAL.
In obedience to the Resolution of the last Session requesting the Governor to cause a conveyance to be made by the Clerk and Master in Equity for Wake county to the President and Directors of the Clubfoot and Harlow Creek Canal, which was purchased in by the Public Treasurer at a sale, made by virtue of a decree of the Court of Equity of said county, the said deed of Conveyance has been duly executed and filed among the valuable papers of said Board.

NAG'S HEAD.
The Construction of a Ship Channel at or near Nag's Head, between Albemarle Sound and the ocean, is of vast importance to the agricultural interests of a large section of North Carolina, and important also to general Commerce.

It is a work justly appertaining to and eminently deserving the attention of the General Government, and should be pressed upon the attention of Congress with a pertinacity and zeal that should command success.

Surely it cannot be that the General Government will pass over unheeded forever the urgent demand of a State, not asking charity or private bounty, but the execution of a work so essential to the general welfare of the Country.

REVISED STATUTES.
I recommend a new Revision of the Statute Laws of the State.

The last edition has been appropriated, and no new copies of the work can be obtained. The Public Officers and Magistrates of the new counties cannot be supplied. It has now been 14 years since the laws were revised—many changes have been made and new laws passed within that period. The Statute Laws of the State should be revised by a body of competent Commissioners, their defects pointed out, amendments suggested, the new acts collated and arranged under their appropriate heads, and the work placed in such intelligible and convenient form, that the laws can be readily referred to and understood by the People.

GEOLOGICAL AND MINERALOGICAL SURVEY.
I hope I shall be pardoned for pressing upon the attention of the Legislature the oft-reiterated recommendation of making provision for a geological and mineralogical survey of the State. The advancement of science and the arts demands that this shall be no longer postponed. The sagacity of our statesmen thirty years ago foresaw its importance, and North Carolina was the very first State in the Union that took up this subject—a small appropriation was made, and the Professors of our University, at different periods, are the only persons who have entered this interesting field.

With the United States at their command, during the short intervals of College vacations, nothing has been done as in the value and extent of what has been done, it is necessary to refer to the

HISTORICAL DOCUMENTS.

A Resolution was passed at the last session authorizing the Governor to procure from the public office in London, such Documents relating to the Colonial and Revolutionary history of North Carolina, as might be found worthy of preservation. To accomplish this in the most satisfactory manner, I rendered to the President of our University, Hon. D. L. Swain, the appointment and agency contemplated in the Resolution. He manifested an anxious desire to carry out the object proposed, if it could be done by any reasonable devotion of time and attention not incompatible with his paramount engagements. He deemed it necessary, however, before going abroad, to ascertain what portion of the documentary information desired, might be obtained at home. Considerable, and not unsuccessful, attention has been devoted to domestic research, and the materials thus obtained will be preserved for the use of our future historians. The agent informs me that he has acquired such knowledge of the sources which exist in our own country as will enable him to examine with proper intelligence the archives of the Mother Country; and that he will very cheerfully enter upon the duty at an early day, if such shall be the pleasure of the General Assembly.

WASHINGTON MONUMENT.
In the summer of 1849, while the various States of our Union were contributing blocks of marble and granite to represent them in the noble National Monument now being erected in memory of Washington by the people of the United States, it occurred to me that I would be rendering an acceptable service to the People of the State, and be acting in anticipation of your wishes, to take proper steps to have the State of North Carolina also represented in this filial token of respect to "the Father of his Country."

It was my design to procure a block of native white marble, and cause it to be embellished with the name of the State and her Coat of Arms, and send it to Washington City, to take its appropriate place in the inside stairway of the Obelisk. Upon making my wishes known, a patriotic association of gentlemen in Lincoln County claimed to enjoy the pleasure and privilege of furnishing a block from the Lincoln quarry, and their offer was accepted. In consequence of some failures in quarrying out a block of suitable dimensions, and much delay in procuring the means of transportation to this place, after it was ready it did not reach here until a short time past. The meeting of the Legislature being then near at hand, I deemed it more desirable to await your pleasure and action in the premises.

No appropriation having been made for expenditures on such account, a portion of the expense necessarily incurred has been paid by me, and I am personally responsible for the residue. The vouchers are ready for your inspection. The block is now at the Railroad Depot, and it will afford me pleasure to receive your directions to have it forwarded to its place of destination.

Possessing no power under our Constitution to originate or participate in the framing of our laws, I nevertheless duly appreciate the responsibility and anxiety of your position, and will with great cheerfulness and to the utmost of my ability co-operate with the General Assembly in promoting the best interests, the happiness and the honor of the State, and in upholding the integrity and nationality of the glorious Union.

CHARLES MANLY.
EXECUTIVE DEPARTMENT OF N. C.,
Raleigh, Nov. 18, 1850.

SPEECH OF HENRY W. MILLER, Esq.
Delivered at Oxford, Nov. 5th, 1850, in reply to Hon. A. W. Venable.

FELLOW CITIZENS: I offer as an apology for asking your attention in reply to the gentleman who has addressed you, the call which you have just made upon me. I disavow all desire to interfere with the relations which exist between him and his constituents, and trust I am not violating any rules of propriety, in answering at your request, as far as my humble ability will permit, arguments which I regard as fallacious, and doctrines that appear to me dangerous to the peace and Union of these States. I do not appear before you to gratify any spirit of party. I shall not address you in any such spirit, except so far as it may be necessary to defend some of the patriotic men who belong to the Whig party from what I conceive to be the unjust assaults which have been made upon them.

The subject upon which I shall ask your attention, more particularly, is above party ties, and should be disconnected from party influences. It is a subject to which the whole country has a deep, a vital interest. I refer to the Acts of Compromise and adjustment passed at the last session of Congress. Some of these acts the gentleman opposed, and he now seeks, not only to justify his own course, but assails those who differed from him, and thought it their duty to sustain those measures. If the reason given for his course be valid, then has the South been greatly wronged, by the passage of that compromise, and those who supported it, are no longer entitled to her confidence. On the contrary, if those measures are just and proper, and upon being faithfully carried out, will secure the rights of all sections and restore peace to the Country, then his course was unwise, and his efforts now, to excite hostility to those who sustained them, deserve, and should receive, the rebuke of all who love the Union; who reverence the laws, and who regard the further agitation of the slavery question dangerous to our peace and prosperity.

I maintain that the Acts of Compromise secured the honor of the South,—encroached upon the rights of no section—were wise and conciliatory in their character, and should be sustained by all men of all parties, in every section of the Union,—that if so sustained, our National peace, prosperity and Union will be secured, but if violated, resisted, nullified or repealed, neither of those great interests and blessings will be advanced, but all of them hazarded, jeopardized, perhaps lost. These positions I shall endeavor to establish, and in so doing I ask the attention of all present, however widely they may differ from me on matters of mere party politics.

The Acts of Compromise were, 1. The admission of California as a State. 2. The establishment of a Territorial Government for Utah. 3. The Texas boundary and New Mexican Territorial Bill. 4. The Act abolishing the slave trade in the District of Columbia. 5. The fugitive slave law; against all which the gentleman voted except the last named, and the Utah Act. On the final passage of the latter he did not vote at all.

I understand him to contend that the admission of California was unconstitutional— unjust to the South, and a virtual enactment of the Wilmot Proviso, in as much as the Constitution presented by that people contained a clause prohibiting slavery; and I understand him further to contend, that Congress should have adopted the Missouri Compromise line in reference to that Territory.

Now to enable you, Fellow Citizens, to understand the subject fully, it is necessary to refer to the

Federal Constitution itself, and to portions of the past political history of the country on the subject of slavery. The 3d Section of the 4th Art. of the Constitution says "New States may be admitted by Congress into this Union." The 4th Section of the same Article declares that "the United States shall guarantee to every State in this Union, a republican form of Government."

It will be remembered that the power of Congress over the provisions of the Constitution, presented by a people asking admission into the Union was discussed with great ability and much bitterness during the Missouri Controversy. That State was formed out of territory acquired from France under the treaty of 1803. In July 1820, she presented herself for admission into the Union, with a Constitution which was silent on the subject of slavery. Those who were hostile to that institution sought to incorporate a provision in her Constitution prohibiting it. It was contended by those who opposed this restriction, that Congress had no such power,—that it would be a violation of the Federal Constitution, that all Congress could do was to take care that the State Constitution was "republican in its form"—and that the people who asked to come in as a State, and they alone, could adopt such a provision. The progress and result of this controversy are well known. It agitated the whole nation. It shook the Union to its centre. A compromise was at last agreed upon, and resulted in the admission of Missouri without such restriction, but prohibiting slavery in all the territory out of which that State had been formed, North of 36 deg. 30 min., and leaving it to the people South of that line, to establish slavery or not as they might wish. This compromise settled the question of slavery as to all Territory east of the Rocky Mountains. Our title to Oregon, lying west of those mountains was at last perfected, under the administration of Mr. Polk, and on the application of her people for a territorial government, the question of the power of Congress over the subject of slavery, was again raised. This controversy was finally ended, as far as Oregon was concerned, by the passage of a bill establishing a territorial government for that Country with the ordinance of 1787 prohibiting slavery incorporated in it. Mr. Polk approved this bill, and based that approval expressly upon the grounds, that Oregon was situated North of the Missouri line, and that he desired to adhere to the spirit of that compromise.

The passage of this Bill, would have settled the question of slavery, as to every foot of Territory belonging to the United States, had it not been for the fruits of the Mexican War—resulting as it did, in the acquisition of vast territory, lying on both sides of the line of 36 deg. 30 min. north latitude. It was during the progress of that War, and when the acquisition of such territory was anticipated, that the Wilmot Proviso was introduced which is destined to secure an execrable immortality to its projector, as a skillful architect of evil.

Well, California and New Mexico had been acquired, "by the common blood and treasure of the whole Union." They needed governments.—Congress was bound, by treaty stipulations, and in justice, to give them efficient civil governments. This duty was delayed from time to time, owing to the conflict between the North and the South, the former seeking to extend the Wilmot Proviso over those territories, the latter resisting its unconstitutional extension. In the mean while the immense and astonishing riches of California were being developed. The accounts which reached us of the extraordinary discoveries of gold in that region, were more like the creation of fable than reality. A stream of population began to flow in the direction of the land of promise. Wave succeeded wave. Nor were they ignorant and worthless, but bold, intelligent and adventurous men of all classes and avocations, who knew the value of well regulated government, and would not long stand the deprivation of it. Congress neglected them. Whilst that body debated and wrangled about abstractions, a mighty nation was springing up in that distant region. They were threatened with anarchy.— They resolved upon forming a Constitution and presenting themselves for admission as a State into this Union. During the Fall of 1849, a Convention of Delegates assembled, and framed a State Constitution, in which there was a clause prohibiting slavery. It is estimated that in January last, there was in California, a population of 107,000 souls. The Constitution was submitted to the People and ratified by a vote of 12,062 to 811, besides about 1200 blank votes, making in all upwards of 14,000.

President Taylor transmitted this Constitution to Congress with a recommendation that California be admitted as a State. She was finally admitted by a large majority in the Senate and 150 to 57 in the House. This was one of the measures of Compromise. The gentleman voted against it. He says it was unconstitutional. In what particular? Not because there had been no territorial government before the formation of the State Constitution, for there is no article in the Federal Constitution which either directly or by implication, requires this. It may be an argument against the regularity of the admission but none against its Constitutionality. But he says, she did not obtain the consent of Congress to frame a Constitution. So did not Arkansas, and several other States, whose admission was not regarded either as a violation of the Federal Constitution or in derogation of the rights of their sisters. Would he have remanded them to a territorial state on account of such supposed irregularity? Besides, owing to the remoteness of California from the seat of the Federal Government—the nature of her population—her exposure to foreign influence and violence by the influx of foreign emigrants—the length of time she had been kept without a regular civil government—her case was one of extreme hardship and emergency, and appealed to Congress for prompt and favorable action. He says California gave but about 14,000 votes in passing her Constitution. Has he forgotten that Michigan, Indiana, Arkansas, Wisconsin, and several other States gave a much smaller vote—in some instances not more than one fourth as many? Would he have excluded these States for such a reason, or would he have remanded them to their state of pupillage that they might come in with a better showing? The truth is, it only required the time it took the gentleman and those

who acted with him to give birth to their lengthy speeches against California to enable her to remove such an objection as this. Every day carried hundreds to her shore—and the routes through the western wilds were alive with thousands of families wending their way to this land of golden hopes. What her population now is it is difficult to tell, but cannot be far short of 150,000.

It seems, however, that the strongest objection to her admission was the provision in her Constitution prohibiting slavery. Now, I insist that the people of that Country had not only the right to form a Constitution and ask admission into the Union, but also to frame just such a Constitution as they wished, and the only inquiry for Congress, "Is it republican in its form?" They had a right to incorporate in it a clause prohibiting or establishing slavery as to them seemed best. Congress had no more right to force this institution upon her against her will than it had to deprive her of it, if she desired to establish it. This is the true doctrine. This is the Republican doctrine—this is the doctrine contended for by those who opposed the Missouri restriction—this is the only safe doctrine for the South. It is what Southern statesmen have ever contended for, and surely the gentleman has not so soon forgotten the Resolutions of his favorite, Mr. Calhoun, introduced in the Senate of the United States in 1847! He advocated these Resolutions with that ability which characterized all his efforts. One of them is in the following language:

"That it is a fundamental principle in our political creed that a people, in forming a constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure their liberty, property, and happiness; and that, in conformity thereto, no other condition is imposed by the Federal Constitution on a State, in order to be admitted into the Union, except that its constitution shall be republican; and that the imposition of any other by Congress would not only be in violation of the constitution, but in direct conflict with the principle on which our political system rests."

Now can any man mistake the meaning of this? Is it not too plain to admit of doubt or cavil?—Were not the inhabitants of California "A PEOPLE" in the sense of this resolution? If so, then did they not have the right to form and adopt the government which they considered best calculated to secure their liberty, prosperity and happiness? But this is not all. It is asserted as a part of this "creed" that when this "people," have thus formed a government or Constitution, and ask for admission into the Union "no other condition is imposed by the Federal Constitution except that their Constitution be REPUBLICAN." The same doctrine was advanced in the Southern Address of 1849, in the putting forth of which document, the gentleman himself bore a most conspicuous part. Has he so soon forgotten these things? Have the responses of his great orator passed so speedily from his memory? Melancholy indeed is the reflection that old friendships and associations should so seldom visit our minds, and when they come be permitted to fade so quickly away!

Let us test this matter a little further. Suppose the Constitution of California had been silent on the subject of slavery or had contained a clause recognizing and establishing it—would the gentleman and his friends have opposed its admission? Would they have not been quick to revive the doctrine of the South in the Missouri Controversy—to give full vigor and efficacy—"ample force and space enough"—to the "creed" of Mr. Calhoun as set forth in his Resolutions and Speech of 1847? He well knows that if California had presented a Constitution either silent as to slavery or establishing it, and the North had attempted the game they did in reference to Missouri, we should have heard nothing from him about extensive boundaries,—sparse population,—irregularity of proceedings,—and that exploded humbug, Executive dictation!—No, all would have been as regular as clock work,—inhabitants would have been manufactured faster than men and sprung up from the teeth of Cadmus, and the Resolutions of '98 and '99,—Magna Charta—and though last, not least, the Southern address, would all have been appealed to in defence of the right of a PEOPLE to self government! All such difficulties as now appear, would have then been as empty bubbles on the vast sea of reason, which he would have brought to bear in favor of the immediate and unconditional admission of glorious California as a State!

He says he was for extending the Missouri Compromise line across California to the Pacific. Now I contend that such a policy would have been most suicidal to the South. How stands the case? Those who have had ample opportunity to form a correct judgment declare that the portion of California South of 36 deg. 30 min. is not adapted to slave labor,—that the institution could not exist there. In a memorial sent to Congress on the 12th March 1850 by Messrs. Fremont and Gwyn, her Senators, and her two Representatives, I find the following language:

"Much misapprehension appears to have obtained in the Atlantic States relative to the question of slavery in California. The undersigned have no hesitation in saying, that the provision in the Constitution excluding that institution, meets with the almost unanimous approval of that people. This unanimity is believed to result not so much from the prejudices against the system which are quite general in the Northern part of the United States, as from a universal conviction that in no portion of California is the soil and climate of a character adapted to slave labor."

Again; hear what was said by some of the leading men in the Convention that framed her Constitution. I read from the debate in that body compiled by Brown—Mr. Lippard—page 449:

"And what will the South (our South) say? Certainly the South will not commit an act so suicidal as to refuse its assent to this Constitution because we have not cut off all South of 36 deg. 30 min. There is not a member on this floor who believes that slavery can ever exist there. Whatever desire the South might have to introduce slavery there, it is utterly impracticable to do so,—that it can never exist in that region is sufficient to preclude the idea. If the Territory is divided at all, it will, in accordance with the compromise agreed to between the two great parties, be created into a free State by the action of the people themselves.— There is no division of opinion between the Northern and Southern population of California on this subject. Consequently, it becomes a separate State it will be a free State and instead of our there will be two free States."

Mr. Gwyn (one of her Senators) said in the same debate "The line of 36 deg. 30 min. is a great question on the other side of the Mountains. Here it is nothing. If any portion of our population are opposed to slavery per se, it is that portion south of that line. It is utterly unfitted for slave labor, being a grazing and a grape country, with a few rich valleys and extensive arid plains."

Here then we were told in express terms that if the Missouri Compromise line had been run, and all south of it cut off from California, it would beyond doubt have become a free State—that it is utterly unfitted for slave labor. What then would have been the practical effect of the gentleman's policy? Why, to weaken the slave States and add strength to the North.

There is one historical fact which perhaps has escaped the gentleman's memory. As early as December 31, 1848 Mr. Douglas introduced in the Senate of the United States a bill for the immediate admission of California as a State into the Union. This Bill can be found in the Congressional Globe of 1848—(page 21.)—It has been declared by Mr. Lumpkin of Georgia I learn, then a member of the House of Representatives, that this bill was prepared and introduced at the instance of or under the approval of Mr. Polk. Did we hear any expressions of holy horror at all this? But I dismiss this branch of the subject. How ever irregular may have been the proceedings connected with the admission of California, I see nothing in them violative of the Constitution. She is now a sovereign State of this Union, and cannot establish slavery if she wishes. She stands upon an equality with her sisters, and instead of giving her the cold shoulder, and wrangling about the legitimacy of her birth, let us rather extend to her the right hand of fellowship, and bid her God speed in her bright career to greatness and glory!

The next branch of the Compromise to which I call your attention is the act establishing a territorial government for Utah. The whole of that territory lies North of the Missouri Compromise line. Its Southern boundary is the 37 parallel of North latitude; and so far from the Wilmot Proviso being applied to it, the first section of the act expressly provides that "when admitted as a State, the 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 her admission." And pray, is there nothing gained here for the South? It is plainly a re-establishment of the principle which was surrendered by the Missouri Compromise. It not only does not extend the Wilmot Proviso over this territory—the whole of which lies North of 36 30—but it expressly declares that it shall come into the Union as a State with or without Slavery as the People themselves may wish. What possible cause of complaint is there in all this? Is there not rather reason for congratulation, that in the establishment of this territorial government truth and justice have triumphed over error and fanaticism?

This is not all. Slavery already existed in Utah. The Mormons it is said, carried it there. The ninth section of the Act provides expressly for Writ of error and appeals to the Supreme Court of the United States,—and declares "that in all cases involving TITLE TO SLAVES, the said writs of error or appeals shall be allowed and decided by the said Supreme Court with or without regard to the value of the matter, property, or title in controversy."

The same section confers on the Courts of the territory "common law jurisdiction"—and the law section provides that, "the Constitution and laws of the United States are extended over, and declared to be in force in said territory, so far as the same or any portion of them may be applicable."

What follows from these provisions? There is a plain recognition of the relation of master and slave—the courts are opened to try title to slaves and common law jurisdiction is given those courts. Besides this the fugitive slave law enacts "that when any person held to servitude or labor in any state or Territory &c. shall escape &c."

To what territory does this enactment refer? Not to Minnesota or Oregon, because slavery is expressly forbidden in both. Utah and New Mexico are the only territories to which it can apply. The gentleman insists that the difficulty is the supposed existence of the Mexican laws abolishing slavery. But whatever may be said by those who believe these laws do exist, how will this avail him or as think with him? He entertains the opinion that those laws ceased to have any force after the territory was acquired from Mexico. But if they were in force before the passage of the Utah bill do not the provisions to which I have referred, imply at least, repeal them? If they do not still there is ample provision made to raise the question and try the title to slaves, by the Supreme Court of the Union, and how can any man sustain the Clayton compromise, as a panacea for the ills that threaten us, in that nothing gained by this Act for the south? I contend that the provisions of the Utah and New Mexico territorial bills in reference to slavery are substantially the same with those of that compromise, for by the gentleman and his friends voted, and for which which no quarrel was shown to a few southern men who voted against it. If there be a doubt on the question whether slavery can legally exist prior to the treaty of Guadalupe Hidalgo, provision is expressly made for trying it to slaves, under which the opinion of the Supreme Court may be obtained on this very question. Mr. Calhoun, himself, and if I am not mistaken all who acted with him, were willing to abide how then, I again ask, can this measure be the cause of just complaint in the south? we not stopped from so doing by our old recollections?

I come now to that part of the Compromise which more than any other seems to have excited the hostility of the gentleman, and aroused his full height, his patriotic indignation! The Texas boundary and New Mexican Territorial bill, above all things done by Congress, since the day of the Alien and Sedition laws, is filled with guns, hydras and chimeras dire!—it has tumbled over the rights of poor, helpless objects, Texas, whose Senators and Representatives abandoned her in the hour of peril and dishonor and humbling to relate, it was a new scheme to deprive the South of Slavery to be perfected by the bribery of the American Congress through Texas bondholders. He would have believed these bondholders, these harpists, were ready to prey upon the weaker countries