

Gen. Louis B. Rusk

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EDITOR AND PROPRIETOR.

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SPEECH OF MR. PRESTON,
OF SOUTH CAROLINA,
On the Annexation of Texas, delivered in the Senate of the United States, April 24, 1838.

[Concluded.]
It might be supposed, Mr. President, from the manner in which the public mind has been inflamed against my proposition, that it had not heretofore been heard of; and that I was startling the community with a novel policy. Not so, sir. The farthest in the world from it. For the first time, to be sure, there is a loud and wide-spread clamor against the annexation of Texas; but the project of effecting it has not only been entertained and urged by the two last administrations; and, although not adopted by the present as an administration measure, is known to have been favorably entertained by the President, and at least one distinguished member of the cabinet. It is strange that a measure which has been urged for twelve years past should now, for the first time, be met by a tempest of opposition; and it is very strange that he should be found riding upon and directing the storm, who was the very first man to propose the annexation of Texas, as one of the very earliest measures of his administration, after he was made President. Yes, Mr. President, Mr. John Quincy Adams had hardly ascended the presidential chair before he assiduously addressed himself to the task of repairing the injury inflicted upon the country by the treaty of 1819, in the making of which it had been since understood he was the reluctant agent. As Secretary of State, in 1819, he negotiated the treaty of transfer; as President of the United States, in 1824, he instituted a negotiation for the reannexation. Through his Secretary of State, Mr. Clay, (whose name heretofore has been always connected with opposition to the cession, and with advocacy of reannexation of Texas, and who I should be glad to find standing on the same ground now that he occupied from 1819 to 1829,) the President instructed Mr. Poinsett, then minister to Mexico, to open at once and vigorously urge a negotiation for the reacquisition of Texas, and the re-establishment of the southern line of the United States at the Rio Grande del Norte. The Secretary urged it upon the envoy, as a matter of the deepest interest to the country, and the highest policy of the Government. The advantages are elaborately and zealously set forth; and although the country at that time labored under a large debt, the envoy was authorized to offer five million for the acquisition. It is greatly to be lamented that the joint efforts of Mr. Adams, Mr. Clay, and Mr. Poinsett, failed upon this occasion, as the joint efforts of General Jackson, Mr. Van Buren, and Mr. Poinsett, did upon a subsequent occasion, when the proposition was renewed, or rather continued, under a new administration. From the beginning to the end of his administration, Mr. Adams kept steadily in view this important measure; and when his successor came in, as it was supposed, with opinions differing on all points, and with promises and pledges of all sorts of changes, amidst the general boulesment of all that had been done or attempted, this measure alone was held sacred; it was adopted as it stood upon the record, and urged with the characteristic energy of the man who felt, and truly felt, that he was not so much the functionary of a constitutional Government, as the representative of the democracy of this country, as Napoleon had been, of that of France. Jackson, Van Buren, and Poinsett, took the place of Adams, Clay, and Poinsett, but pushed on the negotiation. How or why it failed, it were useless now to inquire. Whether it was lost sight of amongst the vulgar and paltry controversies of Scotions and Yorkions, or postponed by the massacres and plunderings of the succedo, suspended by the ceaseless revolutions of that fated country, is now of no consequence. This is certain, that President Jackson never lost sight of it, and that he continued to look to its accomplishment as one of the greatest events of his administration, to the moment when the title of Mexico was extinguished forever by the battle of San Jacinto.

And the object, sir, was well worthy of the solicitude of a patriot statesman, for the country lost to us by the fatal treaty of 1819 is one of the finest upon the whole earth. Its beautiful prairies expand beneath a genial climate as ever blessed the milder latitudes of the temperate zone; and rising with a gentle slope from the Gulf, to-

wards the north, presents the appearance of a vast lawn, interspersed with streams and woodland. No heavy forests encumber its surface, and present obstacles to its settlement; no barren wastes of sand disfigure it; no marshy swamps mar its atmosphere with unhealthy exhalations. Under a sun which ripens the sugar cane and coffee, the surface is as green as New England; and it is as exempt from disease as any portion of the valley of the Mississippi. It is intersected at short distances by large rivers, which form bays and estuaries along the Gulf coast, eminently fitted for commerce. Under the quickening influence of our policy and our people, this fine tract of country, doomed to be an eternal waste if possessed by the Mexicans or Camanches, will spring into a glorious and vigorous existence. Its fields will team with the richest productions of the earth; its rivers will bear down to what should always be considered in the policy of this Government as our sea (mare nostrum) an unbounded produce, to enhance the navigation of the Northern States, while an increasing population augments the demand for their manufactures.

But the boundary line established by the treaty of 1819, not only deprives us of this extensive and fertile territory, but winds with "a deep indent" upon the valley of the Mississippi itself, running upon the Red river and the Arkansas. It places a foreign nation in the rear of our Mississippi settlements, and brings it within a stone's throw of that great outlet which discharges the commerce of half the Union. The mouth of the Sabine and the mouth of the Mississippi are of a dangerous vicinity. The great object of the purchase of Louisiana was to remove all possible interference of foreign States in the vast commerce of the outlet of so many States. By the cession of Texas this policy was to a certain extent compromised.

On this subject, Mr. Van Buren, in his instructions to Mr. Poinsett, holds the following language:

"The line proposed, as the one most desirable to us, would constitute a most natural separation of the resources of the two nations. It is the centre of a country uninhabitable on the Gulf; and, on the mountains, so difficult of access, and so poor, as to furnish no inducements for a land intercourse; and, of course, no theatre for those differences that are almost inseparable from a neighborhood of commercial interests. It corresponds with the habitual feelings of the people of Mexico, and with the avowed policy of the Mexican Government, by causing a wide separation and difficulties of intercourse between the inhabitants of the two countries, and by preventing those excitations and bickerings invariably produced by the contiguous operation of conflicting laws, habits, and interests. The commercial establishment which would be forthwith made at the Nueces, and in its vicinity, would enable us to preserve, in a great degree, the morals of the inhabitants of both sides, by the prevention of smuggling; and the Mexican Government, by thus respecting the real interests of the United States, without actual prejudice to its own, would afford the strongest evidence of that spirit of friendship by which the United States have always been influenced to wards it, and which should ever characterize the conduct of neighboring republics."

I have thus, Mr. President, shown that the constitutionality of its alienation is at least doubtful, and that its reannexation is desirable. I have now to advert to the objections raised against it; and, fortunately, these are presented in a distinct and imposing form, in the report of a committee of the House of Representatives of Massachusetts, now in session. I approach with due deference, sir, whatever comes from the functionaries of that great Commonwealth; (for, although I think her opinions and policy have not been exempt from serious mistakes and errors,) still, from the time of her Hancock and Adamses, she has prosecuted her purposes with a firmness and intelligence certainly not surpassed by any State in the Union. She has at all times been fertile in great men. She has always had the consideration abroad, and that self-confidence, (a main source of strength,) that results from a glorious past; and these advantages, combined with her superior magnitude and wealth, have constituted her the head and leader of New England. What she says and does is therefore entitled to the greatest consideration, and this is the more especially demanded at my hands by the temperate and courteous manner in which the committee has done me the honor to treat me and the resolution which is now the subject of our deliberations.

The report says: "The committee do not believe that any power exists in any branch of this Government, or in all of them united, to consent to such a union, (viz: with the sovereign State of Texas;) nor, indeed, does such authority pertain, as an incident of sovereignty, or otherwise, to the Government, however absolute, of any nation."

Both these propositions I controvert; and, first, as to the powers of this Government.

The committee, it appears to me, has been led to erroneous conclusions on this subject by a fundamental mistake as to the nature and character of our Government; a mistake which has pervaded and perverted all its reasoning, and has for a long time been the abundant source of much practical mischief in the action of this Government,

and of very dangerous speculation. The mistake lies in considering this, as to its nature and powers, a consolidated Government of one people, instead of a confederated Government, of many States. There is no one single act performed by the people of the United States, under the constitution, as one people. Even in the popular branch of Congress this distinction is maintained. A certain number of delegates is assigned to each State, and the people of each State elect for their own State. When the functionaries of the Government assemble here, they have no source of power but the constitution, which prescribes, defines, and limits their action, and constitutes them, in their aggregate capacity, a trust or agency, for the performance of certain duties confided to them by various States or communities. This Government is therefore a confederacy of sovereign States, associating themselves together for mutual advantages. They originally came together as sovereign States, having no authority and pretending to no power of reciprocal control. North Carolina and Rhode Island stood off for a time, refusing to join the confederacy, and at length came into it by the exercise of sovereign discretion. So too of Missouri, who was a State fully organized and perfect, and self-governed, before she was a State of this Union; and, in the very nature of things, this has been the case with all the States heretofore admitted, and must always continue to be so.—Where, then, is the difficulty of admitting another State into this confederacy? The power to admit new States is expressly given. "New States may be admitted by the Congress into this Union." By the very terms of the grant, they must be States before they are admitted; when admitted, they become States of the Union. The terms, restrictions, and principles, upon which new States are to be received, are matters to be regulated by Congress, under the constitution.

The power conferred by the constitution upon Congress is not to create, but to admit, new States. The States create themselves; Missouri and Michigan did so, and exercised all the functions of self-government, while Congress deliberated whether they should be admitted. In the mean time, the territorial organization was abrogated, and the laws of Congress superseded; and if Congress declined to admit them, they, of necessity, remained foreign and independent States.

Heretofore, in the acquisition of Louisiana and Florida, France and Spain both stipulated that the inhabitants of the ceded territories should be incorporated in the Union of the United States, as soon as may be consistent with the principles of the federal constitution, and admitted to all the privileges, rights, and immunities of the citizens of the United States. In compliance with this stipulation, Louisiana, Arkansas, and Missouri, have been admitted into the Union, and at no distant day Florida will be. Now, if we contract with France and Spain for the admission of States, why shall we not with Texas? If France can sell to us her subjects and her territory, why cannot the people of Texas give themselves and their territory to us? Is it more consistent with our republican notions that men and territory can be transferred by the arbitrary will of a monarch, for a price, than that a free people may be associated with us by mutual consent? Can we buy, or, according to the report of the Massachusetts committee, conquer, and yet not enter into an amicable agreement to effect the same object in pursuance of the ascertained will of all parties concerned? There is some display of learning in the report, to show that conquest can effect what consent cannot. Not so. War itself is but a mode of argument—ultima ratio; conquest is an enforced consent. It does not terminate in actual physical restraint, permanently applied, but in the assent of the conquered party that submission is preferable to further resistance. A State or a people incorporated with another by such means has come to the conclusion that union is better than the calamities of war.—Why cannot the same State come to the conclusion that union is better than other calamities to which it is exposed, or of itself promises benefits greater than those resulting from a separate existence?

It is supposed that there is a sort of political impossibility, resulting from the nature of things to effect the proposed union. The committee says that "the measure is in fact the union of two independent Governments." Certainly, the union of twenty-seven independent Governments; but the committee adds, that it should rather be termed the dissolution of both and the formation of a new one, which, whether founded on the same or another written constitution, is, as to its identity, different from either. This can only be effected by the *summa jus*, &c.

A full answer to this objection, even if many others were not at hand, as far as Texas is concerned, is contained in the fact that the *summa jus* has been exercised.

Her citizens, by a unanimous vote, have decided in favor of annexation; and, according to the admission of the committee, this is sufficiently potent to dissolve their Government, and to surrender themselves to be absorbed by ours. To receive this augmentation of our territory and population, manifestly, does not dissolve this Government, or even remodel it. Its identity is not disturbed. There is no appeal necessary to the *summa jus populi* for such a political arrangement on our part, even if the *summa jus populi* could be predicated of this Government, which it cannot. Now, it is very obvious that two free States may associate for common purposes, and that these common purposes may be multiplied in number or increased in importance, at the discretion of the parties. They may establish a common agency for the transaction of their business; and this may include a portion or all of their political functions. The new creation may be an agency if created by States, or a Government if created by the people; for the people have a right to abolish and create Governments. Does any one doubt whether Texas could rejoin the republic of Mexico? Why not, then, rejoin this republic?

No one doubts that the States now composing this Union might have joined Great Britain after the declaration of independence. The learned committee would not contend that there was a political impossibility in the union of Scotland and England, or of Ireland and Britain; or that, in the nature of things, it would be impossible for Louisiana, if she were a sovereign State out of this Union, to join with the sovereign State of Texas in forming a new Government.

There is no point of view in which the proposition for annexation can be considered, that any serious obstacle in point of form presents itself. If this Government be a confederation of States, then it is proposed to add another State to the confederacy. If this Government be a consolidation, then it is proposed to add to it additional territory and population. That we can annex, and afterwards admit, the cases of Florida and Louisiana prove. We can, therefore, deal with the people of Texas for the territory of Texas, and the people can be secured in the rights and privileges of the constitution, as were the subjects of Spain and France.

So much for the difficulties. I now approach those which have exercised a more decisive influence over that portion of the Union which is offering a determined opposition to this measure.

The Massachusetts committee experience much difficulty in ascertaining the mode of action by which the proposed annexation can be effected, and demand "in what form would be the practical exercise of the supposed power? In what department does it lie?" The progress of events already, in a great measure, answers this objection. Texas has taken the initiative. Her minister has introduced the subject to that department which is alone capable of receiving communications from foreign Governments, and the Executive has submitted the correspondence to Congress. The resolutions before you propose an expression of opinion by Congress, which, if made the Executive will doubtless address itself earnestly, in conjunction with the authorities of Texas, to the consummation of the joint wishes of the parties, which can be accomplished by treaty, emanating from one department of this Government, to be carried into effect by passage of all needful laws by the legislative department, and by the exercise of the express power of Congress to admit new States.

I am aware, Mr. President, of the full extent and of the decided character of the opposition which this measure encounters in a large section of the Union. A vast number of remonstrances, memorials, and petitions, with countless signatures, have been presented, characterized in almost every instance by a very excited temper. Several of the most respectable States, too, have solemnly adjured Congress to decline my proposed measure. Vermont led the way, in a violent and denunciatory paper. The populous State of Ohio followed, in such determined hostility that her Legislature has volunteered a denial of the constitutionality of that acquisition which affords the outlet of her commerce. The gravity and dignity of Massachusetts have been enlisted to the same end; and, in short, all the Northern and Middle States, in one form or other, have urged objections upon us. If the views of so large and respectable a portion of the country be determined by broad reasons of general policy, conceived in a spirit of patriotism, and embracing the various interest of the whole Union in a just and equal consideration, they would come recommended to us by a very weighty authority; but, on the other hand, if this joint movement be a combination, conceived in a spirit of hostility towards one section, and for the purpose of aggrandizing the political power of another, then, both the purpose and

the temper in which it is conceived constitute an irresistible reason, on the part of all who value this Union for urging and consummating this measure.

Stripped of all circumlocution, the proposition is this: We are hostile to the institutions of the South, and propose their destruction; we have a pre-dominating power, daily increasing, over the section; and we do not intend that it shall put itself in a condition to resist our power, when we may choose to exercise it. I put it to every candid man, whether this is not the just interpretation; the sum and substance, of the proceedings in Massachusetts and Ohio, and of all those numerous petitions which have been presented from the non-slaveholding States. I do not speak of that wild and blind fanaticism, or still blinder cant, which infects the public mind on this subject; and which even in this country has (I say it with shame and sorrow) received an impulse from that impersonation of the blackguardism of Europe Mr. O'Connell; but I speak of the grave language of distinguished men, and the dignified proceedings of legislative bodies, and when the South finds in these a question of political power raised against her, coupled with, or rather founded upon, an objection to her social institutions, she ought, she must, make up her mind to give up those institutions, or to demand a guarantee for them. The question of her existence is forced upon her; and if you will not consent to adopt some measure to protect her, (and I confess that I see nothing but what I now oppose,) it will be her duty by her own action to provide for her own safety.

It cannot fail to make a deep and mournful impression upon the South, that the opposition to the proposed measure is contemporaneous with the recent excitement on the subject of abolition. All men, of all parties, from all sections, in and out of office, Mr. Adams most conspicuous amongst them, desired the acquisition of Texas until the clamorous interference in the affairs of the South was caught up in New England from Old England.—Then for the first time objections are made to this measure; then those very statesmen who were anxious to make the acquisition of Texas their glory, found out that it would subvert the constitution and ruin the country. We of the South, Mr. President, bear with such composure as we may the pious horror and self-righteous indignation with which many of our brethren speculate upon us, but it is a different affair, when ignorant and impertinent denunciations rise up and demand the control of the policy of this Government.—You are called upon to declare that the Southern portion of your confederacy, by reason of certain domestic institutions, in the judgment of your petitioners wicked and detestable, is to be excluded from some part of the political benefits of this Government.—The assumption is equally insulting to the feelings and derogatory to the constitutional rights of the South. It is an arrogant pretension to superiority on one side and a denunciation of inferiority on the other; which, if sanctioned by Congress, either by assuming it as the reason of legislating, or of refusing to legislate, makes us at once two people, two races—a superior and an inferior.—We neither can nor ought—I say it, Mr. President, in no light mood or wrong temper—we neither can nor ought to continue in political union on such terms.

But, Mr. President, wrong, & dangerous, and subversive of our institutions, as these positions are, they have their origin rather in the apprehensions of those who urge them, than in actually existing facts. The Massachusetts report asserts that, at the institution of this government, the pre-eminence of political power was in the non-slaveholding States, and that the representation of the three fifths was allowed in a spirit of compromise, to make an approximation towards equality. I believe, sir, that the committee is mistaken in its view of the facts. Of those who made the constitution, and of those who sat in the first Congress, two thirds were slaveholders. Excluding Pennsylvania, where slavery never existed, and the New England States, in some of which slavery existed, to a small extent at the time of the adoption of the constitution, the slaveholding States represented in the first Congress, according to provisions of the constitution, were—

New York	10
New Jersey	7
Delaware	3
Maryland	6
Virginia	10
North Carolina	10
South Carolina	6
Georgia	3
Kentucky	2
Tennessee	1
—	
New Hampshire	3
Massachusetts	4
Rhode Island	2
Connecticut	7
Pennsylvania	19
Vermont	3
—	
	48

and the Senators 20 to 12.

Thus, it appears that, at the adoption of the constitution, the slaveholding interest predominated; and that, therefore, the idea of the committee, that the growth of the South should be prevented for the purpose of preserving the original balance of the constitution, is wholly erroneous.

And now, Mr. President, turn your attention for a moment to the present relative condition of the sections.

New York, New Jersey, and Delaware, now belong to the non-slaveholding section. From the bounty of Virginia, Ohio, Indiana, Illinois and Michigan, have been added to that interest, and Wisconsin is making up with rapid steps to take her station abreast of the States. At this moment the non-slaveholding States have in the House of Representatives 143 members out of 240, a majority of one-sixth; and a majority of four Senators in this body; and then, Mr. President, when we look forward to the next census, New York, with her two and a half millions; Ohio, with her two millions; Indiana, with her seven hundred thousand; Illinois, Michigan, and the rest; where, sir, will be the South then? Where the balance of the Constitution?

Virginia gave to the non-slaveholding States the populous northwest, for their growth and expansion. They have by law and treaty secured to themselves, and denied to us, all above the parallel of 36 degrees 30 minutes, from the Mississippi to the Pacific, a vast and fertile region, larger than revolutionary America; destined to receive the emigration from the teeming bosom of the North, swollen by the annual importation of nearly one hundred thousand foreigners. While, by treaty, we were deprived of all west of the Sabine, and by law of north of 36 degrees 30 minutes, they have kept open for themselves all the interior world of the Upper Missouri and Mississippi, all the prairies and mountains of the central West, all the valley of the Columbia, and coast of the Pacific; and with this rich and boundless inheritance, with their own noble country, and with what the reckless munificence of Virginia endowed them, is it according to the spirit in which the constitution was conceived, is it in a spirit of kindness, is it just, is it not an outrage, that the question of political power is raised against us?

No one will venture to say, that if the South extends herself to the Rio Grande, she can under any circumstances contain a population at all equal to that of the non-slaveholding States. In the other branch of Congress we can never expect an approach to equality. The sceptre has passed from us, and forever. Whether it has been rightly wielded, let the growth and power of it be country answer. All that is now left us is to protect ourselves. All that we want is some reasonable check upon an acknowledged power; some approach to equipoise in this chamber. It results from the nature of things, and all our history shows, that both the interest and inclination of the South is to restrain as far as possible the action of this government. We never require any thing from it. Ours is the let-us-alone policy. All we wish is not to suffer aggression. All the power we covet is the power to resist incursions. And this much, sir, you must allow to us. The ground upon which non-slaveholding States and communities put their claim to political supremacy is an insult to us; the claim itself is an aggression, and the avowed purposes for which it is to be used are hostile & destructive.

And, Mr. President, but for the great respect which I have for the States which have taken ground on this subject, I should be disposed to suspect that the idea of checking the extension of domestic slavery was but a hollow and hypocritical pretext, to cover political designs. The slaveholding population and the slaveholding political communities may be multiplied by the proposed acquisition of territory; but I do not see that slavery or the number of slaves can be increased by it. Under the mild condition of Southern slavery, the negro population increases at a greater ratio than that of the whites throughout the Union, augmented as the latter is by the accession of foreigners. To this natural increase, your laws, making the introduction of

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New York	6
New Jersey	4
Delaware	1
Maryland	6
Virginia	10
North Carolina	5
South Carolina	5
Georgia	3
Kentucky	2
—	
Slaveholding	42
—	
New Hampshire	3
Massachusetts	6
Rhode Island	1
Connecticut	6
Pennsylvania	5
Vermont	2
—	
Non-slaveholding	27