THE SENATE
1789–1989
Classic Speeches
1830–1993

Volume Three
Bicentennial Edition

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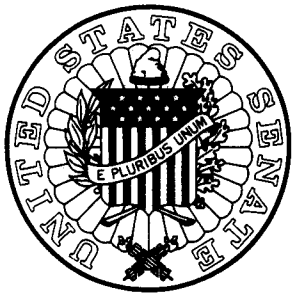
United States Senator



Edited by
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U.S. Senate Historical Office

U.S. Government Printing Office
Washington

Thomas Hart Benton

AGAINST THE COMPROMISE OF 1850 [1]

June 10, 1850

(In the Senate)

"PROCEED WITH THE BILLS SINGLY"

I make the motion which supersedes all other motions, and which, itself, can only be superseded by a motion still more stringent—the motion to lie on the table. I move the indefinite postponement of this bill, and in the form required by our rules, which is to a day certain beyond the session; and, to make sure of that, I propose a day beyond the life of the present Congress. It is the proper motion to test the sense of the Senate on the fate of a measure, and to save time which might be lost in useless amendments. I have waited a month for the larger amendments to be voted upon, and now deem it my duty to proceed with my motion, with a view to proceed with the bills singly, if this bill, of many in one, shall be put out of the way; but will withdraw it at any time to admit of votes on vital points. It is a bill of thirty-nine sections—forty, save one—an ominous number; and which, with the two little bills which attend it, is called a compromise, and is pressed upon us as a remedy for the national calamities. Now, all this labor of the committee, and all this remedy, proceed upon the assumption that the people of the United States are in a miserable, distracted condition; that it is their mission to relieve this national distress, and that these bills are the sovereign remedy for that purpose. Now, in my opinion, all this is a mistake, both as to the condition of the country, the mission of the committee, and the efficacy of their remedy. I do not believe in this misery, and distraction, and distress, and strife, of the people. On the contrary, I believe them to be very quiet at home, attending to their crops, such of them as do not mean to feed out of the public crib; and that they would be perfectly happy if the politicians would only permit them to think so. I know of no distress in the country, no misery, no strife, no distraction, none of those five gaping wounds of which the senator from Kentucky made enumeration on the five fingers of his left hand, and for the healing of which, all together, and all at once, and not one at a time, like the little Doctor Taylor, he has provided this capacious plaster in the shape of five old bills tacked together. I believe the senator and myself are alike, in this, that each of us has but five fingers on the left hand; and that may account for the limitation of the wounds. When the fingers gave out, they gave out; and if there had been more fingers, there might have been more wounds—as many as fingers—and, toes also. I know nothing of all these "gaping wounds," nor of any distress in the country since we got rid of the bank of the United States, and since we got possession of the gold currency. Since that time I have heard of no pecuniary or business distress, no rotten currency, no expansions and contractions, no deranged exchanges, no decline of public stocks, no laborers begging employment, no produce rotting upon the hands of the farmer, no property sacrificed at forced sales, no loss of confidence, no three per centum a month interest, no call for a bankrupt act. Never were the people—the business-doing and the working people—as well off as they are today. As for political distress, *"it is all in my eye."* It is all among the politicians. Never were

[1] U.S., Congress, Senate, *Congressional Globe*, 31st Cong., 1st sess., pp. 676–84.

the political blessings of the country greater than at present: civil and religious liberty eminently enjoyed; life, liberty, and property protected; the North and the South returning to the old belief, that they were made for each other; and peace and plenty reigning throughout the land. This is the condition of the country—happy in the extreme; and I listen with amazement to the recitals which I have heard on this floor of strife and contention, gaping wounds and streaming blood, distress and misery. I feel mystified. The senator from Kentucky [Mr. CLAY],[2] chairman of the committee, and reporter of the bill, and its pathetic advocate, formerly delivered us many such recitals, about the times that the tariff was to be increased, the national bank charter to be renewed, the deposits to be restored, or a bankrupt act to be passed. He has been absent for some years; and, on returning among us, seems to begin where he left off. He treats us to the old dish of distress! Sir, it is a mistake. There is none of it; and if there was, the remedy would be in the hands of the people—in the hearts of the people—who love their country, and mean to take care of it—and not in the contrivances of politicians, who mistake their own for their country's distresses. It is all a mistake. It looks to me like a joke. But when I recollect the imposing number of the committee, and how "distinguished" they all were, and how they voted themselves free from instructions, and allowed the Senate to talk, but not to vote, while they were out, and how long they were deliberating: when I recollect all these things, I am constrained to believe the committee are in earnest. And as for the senator himself, the chairman of the committee, the perfect gravity with which he brought forward his remedy—these bills and the report—the pathos with which he enforced them, and the hearty congratulations which he addressed to the Senate, to the United States, and all mankind on the appointment of his committee, preclude the idea of an intentional joke on his part. In view of all this, I find myself compelled to consider this proceeding as serious, and bound to treat it parliamentarily; which I now proceed to do. And, in the first place, let us see what it is the committee has done, and what it is that it has presented to us as the sovereign remedy for the national distempers, and which we are to swallow whole—in the lump—all or none—under the penalty of being treated by the organs as enemies to the country.

[2] Henry Clay (See Speech No. 11).

"A PARCEL OF OLD BILLS"

Here are a parcel of old bills, which have been lying upon our tables for some months, and which might have been passed, each by itself, in some good form, long ago, and which have been carried out by the committee, and brought back again, bundled into one, and altered just enough to make each one worse; and then called a compromise—where there is nothing to compromise—and supported by a report which cannot support itself. Here are the California state admission bill, reported by the Committee on Territories three months ago—the two territorial government bills, reported by the same committee at the same time—the Texas compact bill, originated by me six years ago, and reproduced at the present session—the fugitive slave recovery bill, reported from the Judiciary Committee at the commencement of the session—and the slave trade suppression bill for this District of Columbia, which is nothing but a revival of an old Maryland law, in force before the District was created, and repealed by an old act of Congress. These are the batch—five bills taken from our files, altered just enough to spoil each, then tacked together, and christened a compromise, and pressed upon the Senate as a sovereign remedy for calamities which have no existence. This is the presentation of the case: and now for the case itself.

It is the work of a majority of the committee: so the report informs us: and, from the demonstrations on this floor, we may suppose it to have been as lean a majority as parliamentary proceedings ever exhibited. It is the work of a majority of that committee; and seven is a majority of thirteen; so that this compromise, which is to be swallowed whole by the Senate, is the work of seven senators. And if it should happen to be that the committee was purposely

composed half and half—six of one and half a dozen of the other—something like a jury *de medietate linguae*, first introduced into British law for the safety of the Welsh against the English—if this should happen to be the case, and a half and half committee was actually appointed, with the precaution of a border member to give a casting vote in the case of a tie—then it may be, that the work, in fact, is the work of one member of the committee! But that does not appear in the report. It says a majority; and, upon that basis, it is the work of seven. And hereby comes a new lesson in political arithmetic—seven to govern the Committee of Thirteen first, and the Senate of sixty afterwards. For, be it remembered, this batch of bills is not to be a law, freely made by Congress, but a compact, to be swallowed, and swallowed whole, under the penalty of party execution and political damnation. Sir, this committee has lacked a name—a distinctive appellation; and, for want of characteristic distinction, is referred to numerically in the report as the Committee of Thirteen. This gives them an advantage in the debate. It is thirteen against one—fearful odds against a solitary assailant. It should have another name. From its composition it might be called the committee *de medietate*; not *linguae*, but *terrae*; for it comes from different halves of the land, with a border member to sit between, who is to perform the exploit, hitherto deemed impossible in the fox chase, of riding on both sides of the sapling! From the mode of its creation, it might be called the *free* committee; for it certainly created itself, and freed itself, and tied up the Senate while it was out. And from the manner in which a majority of seven first govern thirteen, and then propose to govern the Senate, and then the whole United States, it might be called the *arithmetical* committee; for it certainly seems to teach a new lesson in political arithmetic—the lesson of the minority governing the majority—of one governing all.

"To conjoin incongruities"

The committee has brought in five old bills, bundled into one, and requires us to pass them. Now, how did this committee get possession of these bills? I do not ask for the manual operation. I know that each senator had a copy on his table, and might carry his copy where he pleased; but these bills were in the possession of the Senate, on its calendar—for discussion, but not for decision, while the committee was out. Two sets of resolutions were referred to the committee—but not these bills. And I now ask for the law—the parliamentary law—which enables a committee to consider bills not referred to it? to alter bills not in their legal power or possession? to tack bills together which the Senate held separate on its calendar? to reverse the order of bills on the calendar? to put the hindmost before, and the foremost behind? to conjoin incongruities, and to conglomerate individualities? This is what I ask—for this is what the committee has done; and which, if a point of order was raised, might subject their bundle of bills to be ruled off the docket. Sir, there is a custom—a good-natured one—in some of our state legislatures, to convert the last day of the session into a sort of legislative saturnalia—a frolic—something like barring out the master—in which all officers are displaced, all authorities disregarded, all rules overturned, all license tolerated, and all business turned topsy-turvy. But then this is only done on the last day of the session, as a prelude to a general breakup. And the sport is harmless, for nothing is done; and it is relieved by adjournment, which immediately follows. Such license as this may be tolerated; for it is, at least, innocent sport—the mere play of those "children of a larger growth" which some poet, or philosopher, has supposed men to be. And it seems to me that our committee has imitated this play without its reason—taken the license of the saturnalia without its innocence—made grave work of their gay sport—produced a monster instead of a merry-andrew—and required us to worship what it is our duty to kill.

California the scapegoat

I proceed to the destruction of this monster. The California bill is made the scapegoat of all the sins of slavery in the United States—that California which is innocent of all these sins. It is made the scapegoat; and as this is the first instance of an American attempt to imitate that

ancient Jewish mode of expiating national sins, I will read how it was done in Jerusalem, to show how exactly our committee have imitated that ancient expiatory custom. I read from an approved volume of Jewish antiquities:

The goat being tied in the northeast corner of the court of the temple, and his head bound with scarlet cloth to signify sin; the high-priest went to him, and laid his hands on his head, and confessed over it all the iniquities of the children of Israel, and all their transgressions in all their sins, putting them all on the head of the goat. After which, he was given to the person appointed to lead him away, who, in the early ages of the custom, led him into the desert, and turned him loose to die; but as the goat sometimes escaped from the desert, the expiation, in such cases, was not considered complete; and to make sure of his death, the after-custom was to lead him to a high rock, about twelve miles from Jerusalem, and push him off of it backwards, to prevent his jumping, the scarlet cloth being first torn from his head, in token that the sins of the people were taken away.

This was the expiation of the scapegoat in ancient Jerusalem: an innocent and helpless animal, loaded with sins which were not his own and made to die for offences which he had never committed. So of California. She is innocent of all the evils of slavery in the United States, yet they are all to be packed upon her back, and herself sacrificed under the heavy load. First, Utah and New Mexico are piled upon her, each pregnant with all the transgressions of the Wilmot Proviso—a double load in itself—and enough, without further weight, to bear down California. Utah and New Mexico are first piled on; and the reason given for it by the committee is thus stated in their authentic report:

The committee recommend to the Senate the establishment of those territorial governments; and, in order more effectually to secure that desirable object, they also recommend that the bill for their establishment be incorporated in the bill for the admission of California, and that, united together, they both be passed.

This is the reason given in the report; and the first thing that strikes me, on reading it, is its entire incompatibility with the reasons previously given for the same act. In his speech in favor of raising the committee, the senator from Kentucky [Mr. CLAY] was in favor of putting the territories upon California for her own good—for the good of California herself—as the speedy way to get her into the Union, and the safe way to do it, by preventing an opposition to her admission which might otherwise defeat it altogether. This was his reason then, and he thus delivered it to the Senate.

He would say now to those who desired the speedy admission of California, the shortest and most expeditious way of attaining the desired object was to include her admission in a bill giving governments to the territories. He made this statement because he was impelled to do so from what had come to his knowledge. If her admission as a separate measure be urged, an opposition is created which may result in the defeat of any bill for her admission.

These are the reasons which the senator then gave for urging the conjunction of the state and the territories—quickest and safest for California: her admission the supreme object, and the conjunction of the territories only a means of helping her along and saving her. And unfounded as I deemed these reasons at the time, and now know them to be, they still had the merit of giving preference where it was due—to the superior object—to California herself, a state, without being a state of the Union, and suffering all the ills of that anomalous condition. California was then the superior object; the territories were incidental figures and subordinate considerations, to be made subservient to her salvation. Now all this is reversed. The territories take the superior place. They become the object: the state the incident. They take the first—she the second place! And to make sure of their welfare—make more certain of giving governments to them—*inuendo*, such governments as the committee prescribe—the conjunction is now proposed and enforced. This is a change of position, with a corresponding change of reasons. Doubtless the senator from Kentucky has a right to change his own position, and to change his reasons at the same time; but he has no right to ask other Senators to change with him, or to require them to believe in two sets of reasons, each contradictory

to the other.[3] It is my fortune to believe in neither. I did not believe in the first set when they were delivered; and time has shown that I was right. Time has disposed of the argument of speed. That reason has expired under the lapse of time. Instead of more speedy, we all now know that California has been delayed three months, waiting for this conjunction: instead of defeat if she remained single, we all know now that she might have been passed singly before the committee was raised, if the Senator from Kentucky had remained on his original ground, on my side; and everyone knows that the only danger to California now comes from the companionship into which she has been forced. I do not believe in either set of reasons. I do not admit the territorial governments to be objects of superior interest to the admission of California. I admit them to be objects of interest, demanding our attention, and that at this session; but not at the expense of California, nor in precedence of her, nor in conjunction with her, nor as a condition for her admission. She has been delayed long, and is now endangered by this attempt to couple with her the territories, with which she has no connection, and to involve her in the Wilmot Proviso question, from which she is free. The senator from Kentucky has done me the favor to blame me for this delay. He may blame me again when he beholds the catastrophe of his attempted conjunctions; but all mankind will see that the delay is the result of his own abandonment of the position which he originally took with me. The other reason which the senator gave in his speech for the conjunction is not repeated in the report—the one which addressed itself to our nervous system, and menaced total defeat to California if urged in a bill by herself. He has not renewed that argument to our fears, so portentously exhibited three months ago; and it may be supposed that the danger has passed by, and that Congress is now free. But California is not bettered by it, but worsted. Then it was only necessary to her salvation that she should be joined to the territories; so said the speech. Now she is joined to Texas also; and must be damned if not strong enough to save Texas, and Utah, and New Mexico, and herself into the bargain!

United together, the report says, the bills will be passed together. That is very well for the report. It was natural for it to say so. But, suppose they are rejected together, and in consequence of being together: what is, then, the condition of California? First, she has been delayed three months, at great damage to herself, waiting the intrusive companionship of this incongruous company. Then she is sunk under its weight. Who, then, is to blame—the senator from Kentucky or the senator from Missouri? And if opposition to this indefinite postponement shall make still further delay to California, and involve her defeat in the end, who then is to be blamed again? I do not ask these questions of the senator from Kentucky. It might be

[3] "Mr. CLAY. Well, if the proposition be to refer the president's message to the Committee on the Territories, I shall with great pleasure vote for the proposition. But I do not think it would be right to embrace, in a general motion, the question of the admission of California, and all the other subjects which are treated of by the resolutions upon the table—the subject, for example, of the establishment of territorial governments, the subject of the establishment of a boundary line for Texas, and the proposition to compensate Texas for the surrender of territory. I say, sir, I do not think it would be right to confound or to combine all these subjects, and to throw them before one committee to be acted upon together. I think the subject of the admission of California ought to be kept separate and distinct; although, for one, I should have no objection—that question being separated from the residue of the subject—that the resolutions and the rest of the propositions that are before the Senate, so far as regards those which have a kindred or common nature, should be referred, at the proper time, to a committee, to be acted upon together; but I think the time has not yet arrived for such a reference. Sir, there are three or four members of Congress who have come here all the way from the Pacific, with a constitution purporting to be the constitution of a state which is seeking to be admitted as a member of this Union. Now, sir, is it right to subject them to all the delay, the uncertainty, the procrastination, which must inevitably result from the combination of all these subjects, and a reference of them to one committee, and to wait until that committee shall have adjudged the whole? I think not. I am not now arguing whether California ought, or ought not to be admitted—whether she ought, or ought not to be admitted with the boundary which she proposes, or with any other boundary—but I am contending that, considering the circumstances under which her representation presents itself to Congress, under the circumstance that when they left their homes, perhaps nothing on earth was further from their expectation than that there would be the slightest impediment or obstacle to their admission; and in consideration of the condition in which these gentlemen are placed who are here in attendance, in the lobbies of these halls, it seems to me that we should decide, and decide as promptly as we can, consistently with just and proper deliberation. I think the question of the admission of California is one which stands by itself, and that it should be kept disconnected with the other resolutions."—*Mr. Clay's Speech in February* [Benton note]

unlawful to do so: for, by the law of the land, no man is bound to criminate himself.

Mr. CLAY, (from his seat.) I do not claim the benefit of the law.

Mr. BENTON. No; a high-spirited man will not claim it. But the law gives him the privilege; and, as a law-abiding and generous man, I give him the benefit of the law whether he claims it or not. But I think it is time for him to begin to consider the responsibility he has incurred in quitting his position at my side for California single, and first, to jumble her up in this crowd, where she is sure to meet death, come the vote when it will. I think it is time for him to begin to think about submitting to a mistrial! withdraw a juror, and let a *venire facias de novo* be issued.

"SUBJECTS OF DIFFERENT NATURES SHOULD NOT BE TACKED TOGETHER"

But I have another objection to this new argument. The territorial government bills are now the object; and to make more certain of these bills they are put into the California bill, to be carried safe through by it. This is the argument of the report; and it is a plain declaration that one measure is to be forced to carry the other. This is a breach of parliamentary law—that law upon the existence of which the senator from Kentucky took an issue with me, and failed to maintain his side of it. True, he made a show of maintaining it—ostentatiously borrowing a couple of my books from me, in open Senate, to prove his side of the case; and taking good care not to open them, because he knew they would prove my side of it. Then he quoted that bill for the "relief of John Thompson, and for other purposes," the reading of which had such an effect upon the risible susceptibilities of that part of our spectators which Shakespeare measures by the quantity, and qualifies as barren! Sir, if the senator from Kentucky had only read us Dr. Franklin's story of John Thompson and his hat-sign, it would have been something—a thing equally pertinent as argument, and still more amusing as anecdote. The senator, by doing that much, admitted his obligation to maintain his side of the issue: by doing no more, he confessed he could not. And now the illegality of this conjunction stands confessed, with the superaddition of an avowed condemnable motive for it. The motive is—so declared in the report—to force one measure to carry the other—the identical thing mentioned in all the books as the very reason why subjects of different natures should not be tacked together. I do not repeat what I have heretofore said on this point: it will be remembered by the Senate: and its validity is now admitted by the attempt, and the failure, to contest it. It is compulsory legislation, and a flagrant breach of parliamentary law, and of safe legislation. It is also a compliment of no equivocal character to a portion of the members of this chamber. To put two measures together for the avowed purpose of forcing one to carry the other, is to propose to force the friends of the stronger measure to take the weak one, under the penalty of losing the stronger. It implies both that these members cannot be trusted to vote fairly upon one of the measures, or that an unfair vote is wanted from them; and that they are coercible, and ought to be coerced. This is the compliment which the compulsory process implies, and which is as good as declared in this case. It is a rough compliment, but such a one as "distinguished senators"—such as composed this committee—may have the prerogative to offer to the undistinguished ones: but then these undistinguished may have the privilege to refuse to receive it—may refuse to sanction the implication, by refusing to vote as required—may take the high ground that they are not coercible, that they owe allegiance, not to the committee, but to honor and duty, and that they can trust themselves for an honest vote, in a bill by itself, although the committee cannot trust them! But, stop! Is it *a* government or *the* government which the committee propose to secure by coercion? Is it *a* government, such as a majority of the Senate may agree upon? or is it *the* government, such as a majority of the committee have prescribed? If the former, why not leave the Senate to free voting in a separate bill? if the latter, will the Senate be coerced? will it allow a majority of the committee to govern the Senate?—seven to govern sixty? Sir! it is the latter—so avowed; and being the first instance of such an avowal, it should meet a reception which would make it the last.

Mr. President: all the evils of incongruous conjunctions are exemplified in this conjunction of the territorial government bills with the California state admission bill. They are subjects not only foreign to each other, but involving different questions, and resting upon principles of different natures. One involves the slavery and antislavery questions: the other is free from them. One involves constitutional questions: the other does not. One is a question of right, resting upon the Constitution of the United States and the treaty with Mexico: the other is a question of expediency, resting in the discretion of Congress. One is the case of a state, asking for an equality of rights with the other states: the other is a question of territories, asking protection from states. One is a sovereignty—the other a property. So that, at all points, and under every aspect, the subjects differ; and it is well known that there are senators here who can unite in a vote for the admission of California, who cannot unite in any vote for the territorial governments; and that, because these governments involve the slavery questions, from all which the California bill is free. That is the rock on which men and parties split here. Some deny the power of Congress *in toto* over the subject of slavery in territories: such as they can support no bill which touches that question, one way or the other. Others admit the power, but deny the expediency of its exercise. Others again claim both the power and the exercise. Others again are under legislative instructions—some to vote one way, some the other. Finally, there are some opposed to giving any governments at all to these territories, and in favor of leaving them to grow up of themselves into future states. Now, what are the senators, so circumstanced, to do with these bills conjoined? Vote for all—and call it a compromise! as if oaths, duty, constitutional obligation, and legislative instructions, were subjects of compromise. No! rejection of the whole is the only course; and to begin anew, each bill by itself, the only remedy.

The conjunction of these bills illustrates all the evils of joining incoherent subjects together. It presents a revolting enormity, of which all the evils go to an innocent party, which has done all in its power to avoid them. But, not to do the Committee of Thirteen injustice, I must tell that they have looked somewhat to the interest of California in this conjunction, and proposed a compensating advantage to her; of which kind consideration they are entitled to the credit in their own words. This, then, is what they propose for her:

> As for California—far from feeling her sensibility affected by her being associated with other kindred measures—she ought to rejoice and be highly gratified that, in entering into the Union, she may have contributed to the tranquillity and happiness of the great family of States, of which it is to be hoped she may one day be a distinguished member.

This is the compensation proposed to California. She is to rejoice, and be highly gratified. She is to contribute to the tranquillity and happiness of the great family of states, and thereby become tranquil and happy herself. And she is one day, it is hoped, to become a distinguished member of this confederacy. This is to be her compensation—felicity and glory! Prospective felicity, and contingent glory. The felicity rural—rural felicity—from the geographical position of California—the most innocent and invigorating kind of felicity. The glory and distinction yet to be achieved. Whether California will consider these anticipations ample compensation for all the injuries of this conjunction—the long delay, and eventual danger, and all her sufferings at home, in the meantime—will remain for herself to say. For my part, I would not give one hour's duration of actual existence in this Union for a whole eternity of such compensation; and such, I think, will be the opinion of California herself. Life, and present relief from actual ills, is what she wants. Existence and relief, is her cry! And for these she can find no compensation in the illusions of contributing to the tranquillity of states which are already tranquil, the happiness of people who are already happy, the settlement of questions in which she has no concern, and the formation of compromises which breed new quarrels in assuming to settle old ones.

The question of New Mexico

With these fine reasons for tacking Utah and New Mexico to California, the committee proceed to pile a new load upon her back. Texas next appears in the committee's plan, crammed

into the California bill, with all her questions of debt and boundary, dispute with New Mexico, division into future states, cession of territory to the United States, amount of compensation to be given her, thrust in along with her! A compact with one state put into a law for the life of another! And a veto upon the admission of California given to Texas! This is a monstrosity of which there is no example in the history of our legislation, and for the production of which it is fair to permit the committee to speak for themselves. They say:

> A majority of the committee recommend to the Senate that the section containing these proposals to Texas shall be incorporated into the bill embracing the admission of California as a state, and the establishment of territorial governments for Utah and New Mexico. The definition and establishment of the boundary between New Mexico and Texas has an intimate and necessary connection with the establishment of a territorial government for New Mexico. To form a territorial government for New Mexico, without prescribing the limits of the territory, would leave the work imperfect and incomplete, and might expose New Mexico to serious controversy, if not dangerous collisions, with the state of Texas. And most, if not all, the considerations which unite in favor of combining the bill for the admission of California as a state and the territorial bills, apply to the boundary question of Texas. By the union of the three measures, every question of difficulty and division which has arisen out of the territorial acquisitions from Mexico will, it is hoped, be adjusted, or placed in a train of satisfactory adjustment. The committee, availing themselves of the arduous and valuable labors of the Committee on Territories, report a bill, herewith annexed, (marked A,) embracing those three measures, the passage of which, uniting them together, they recommend to the Senate.

These are the reasons of the committee, and they present grave errors in law, both constitutional and municipal, and of geography and history. They assume a controversy between New Mexico and Texas. No such thing. New Mexico belongs to the United States, and the controversy is with the United States. They assume there is no way to settle this controversy but by a compact with Texas. This is another great mistake. There are three ways to settle it: first, and best, by a compact; secondly, by a suit in the Supreme Court of the United States; thirdly, by giving a government to New Mexico according to her actual extent when the United States acquired her, and holding onto that until the question of title is decided, either amicably by compact, or legally by the Supreme Court. The fundamental error of the committee is in supposing that New Mexico is party to this controversy with Texas. No such thing. New Mexico is only the *John Doe* of the concern. That error corrected, and all the reasoning of the committee falls to the ground. For the judicial power of the United States extends to all controversies to which the United States are party; and the original jurisdiction of the Supreme Court extends to all cases to which a state is a party. This brings the case bang up at once within the jurisdiction of the Supreme Court, without waiting for the consent of Texas, or waiting for New Mexico to grow up into a state, so as to have a suit between two states; and so there is no danger of collision, as the committee suppose, and make an argument for their bill, in the danger there is to New Mexico from this apprehended collision. If any takes place, it will be a collision with the United States to whom the territory of New Mexico belongs; and she will know how to prevent this collision, first, by offering what is not only just, but generous, to Texas; and next in defending her territory from invasion, and her people from violence.

These are the reasons for thrusting Texas, with all her multifarious questions, into the California bill; and, reduced to their essence, they argue thus: Utah must go in, because she binds upon California; New Mexico must go in, because she binds upon Utah; and Texas must go in, because she binds upon New Mexico. And thus poor California is crammed and gorged until she is about in the condition that Jonah would have been in, if he had swallowed the whale, instead of the whale swallowing him. This opens a new chapter in legislative ratiocination. It substitutes contiguity of territory for congruity of matter, and makes geographical affinities the rule of legislative conjunctions. Upon that principle the committee might have gone on, cramming other bills into the California bill, all over the United States; for all our territory is binding in some one part upon another. Upon that principle, the District of Columbia slave trade suppression bill might have been interjected; for, though not actually binding upon Texas, yet it binds upon land that binds upon land that does bind upon her. So of

the fugitive slave bill. For, let the fugacious slave run as far as he may, he must still be on land; and, that being the case, the territorial contiguity may be established which justifies the legislative conjunction.

Mr. President, the moralist informs us, that there are some subjects too light for reason—too grave for ridicule; and in such cases, the mere moralist may laugh or cry, as he deems best. But not so with the legislator—his business is not laughing or crying. Whimpering, or simpering, is not his mission. Work is his vocation, and gravity his vein; and in that vein I proceed to consider this interjection of Texas, with all her multifarious questions, into the bowels of the California bill.

"Texas should not have a veto upon the admission of California"

In the first place, this Texas bill is a compact, depending for its validity on the consent of Texas, and is put into the California bill as part of a compromise and general settlement of all the slavery questions; and, of course, the whole must stand together, or fall together. This gives Texas a veto upon the admission of California. This is unconstitutional, as well as unjust; for, by the Constitution, new states are to be admitted by Congress, and not by another state; and, therefore, Texas should not have a veto upon the admission of California. In the next place, Texas presents a great many serious questions of her own—some of them depending upon a compact already existing with the United States, many of them concerning the United States, one concerning New Mexico, but no one reaching to California. She has a question of boundary nominally with New Mexico, in reality with the United States, as the owner of New Mexico; and that might be a reason for joining her in a bill, so far as that boundary is concerned, with New Mexico; but it can be no reason for joining her to California. The western boundary of Texas is the point of collision with New Mexico; and this plan of the committee, instead of proposing a suitable boundary between them, adapted to localities, or leaving to each its actual possessions, disturbing no interest, until the decision of title upon the universal principle of *uti possidetis*; instead of these obvious and natural remedies, the plan of the committee cuts deep into the actual possessions of the United States in New Mexico—rousing the question which the committee professes to avoid, the question of extending slavery, and so disturbing the whole United States.

And here I must insist on the error of the committee in constitutional and municipal law, before I point out their mistakes in geography and history. They treat New Mexico as having a controversy with Texas—as being in danger of a collision with her—and that a compact with Texas to settle the boundary between them is the only way to settle that controversy and prevent that collision. Now, all this is a mistake. The controversy is not with New Mexico, but with the United States, and the judicial power of the United States has jurisdiction of it. Again, possession is title until the right is tried; and the United States having the possession, may give a government at once according to the possession; and then wait the decision of title.

I avoid all argument about right—the eventual right of Texas to any part of what was New Mexico before the existence of Texas. I avoid that question. Amicable settlement of contested claim, and not adjudication of title, is now my object. I need no argument from any quarter to satisfy me that the Texas questions ought to be settled. I happened to know that before Texas was annexed, and brought in bills and made speeches for that purpose, at that time. I brought in such bills six years ago, and again at the present session; and whenever presented single, either by myself or any other person, I shall be ready to give it a generous consideration; but, as part of the California bill, I wash my hands of it.

I am against disturbing actual possession, either that of New Mexico or of Texas; and, therefore, am in favor of leaving to each all its population, and an ample amount of compact and homogeneous territory. With this view, all my bills and plans for a divisional line between New Mexico and Texas—whether of 1844 or 1850—left to each all its settlements, all its actual possessions, all its uncontested claim; and divided the remainder by a line adapted to the geography and natural divisions of the country,

as well as suitable to the political and social condition of the people themselves. This gave a longitudinal line between them; and the longitude of 100 degrees in my bill of 1844, and 102 degrees in my bill of 1850—and both upon the same principle of leaving possessions intact, Texas having extended her settlements in the meantime. The proposed line of the committee violates all these conditions. It cuts deep and arbitrarily into the actual possessions of New Mexico, such as she held them before Texas had existence; and so conforms to no principle of public policy, private right, territorial affinity, or local propriety. It begins on the Rio del Norte, twenty miles in a straight line above El Paso, and thence, diagonally and northeastwardly, to the point where the Red River crosses the longitude of 100. Now, this beginning, twenty miles above El Paso, is about three hundred miles in a straight line (near six hundred by the windings of the river) above the ancient line of New Mexico; and this diagonal line to the Red River cuts about four hundred miles in a straight line through the ancient New Mexican possessions, cutting off about 70,000 square miles of territory from New Mexico, where there is no slavery, and giving it to Texas, where there is. This constitutes a more serious case of *tacking* than even that of sticking incongruous bills together, and calls for a most considerate examination of all the circumstances it involves. I will examine these circumstances, first making a statement, and then sustaining it by proof.

El Paso, above which the Texas boundary is now proposed to be placed by the committee, is one of the most ancient of the New Mexican towns, and to which the Spaniards of New Mexico retreated in the great Indian revolt in 1680, and made their stand, and thence recovered the whole province. It was the residence of the lieutenant governor of New Mexico, and the most southern town of the province, as Taos was the most northern. Being on the right bank of the river, the dividing line between the United States and the Republic of Mexico leaves it out of our limits, and consequently out of the present limits of New Mexico; but New Mexico still extends to the Rio del Norte at the Paso; and therefore this beginning line proposed by the committee cuts into the ancient possession of New Mexico—a possession dating from the year 1595. That line, in its course to the Red River, cuts the river and valley of the Puerco (called Pecos in the upper part) into two parts, leaving the lower and larger part to Texas; the said Rio Puerco and its valley, from head to mouth, having always been a part of New Mexico, and now in its actual possession. Putting together what is cut from the Puerco, and from the Del Norte above and below El Paso, and it would amount to about 70,000 square miles, to be taken by the committee's line from its present and ancient possessor and transferred to a new claimant. This is what the new line would do, and in doing it would raise the question of the extension of slavery, and of its existence at this time, by law, in New Mexico as a part of Texas.

Authorities cited

This statement is too important to remain a mere statement. I therefore proceed to verify it; and for that purpose have recourse to the highest authorities—Humboldt's Essay upon New Spain, Pike's Journal of his passage through New Mexico, and Dr. Wislizenus's report of his tour with Doniphan's expedition. I begin with Humboldt,[4] and quote him to show the boundaries of New Mexico on the east, where that province bounded upon Texas and Coahuila. At page 282, vol. 1, Paris edition of the Essay, he says:

[French text omitted]

IN ENGLISH: I have traced the limits of Coahuila and of Texas near the mouth of the Rio Puerco, and towards the sources of the Rio de San Saba, such as I have found them in the special maps preserved in the archives of the viceroyalty, and drawn up by engineers in the service of the King of Spain.

This is what Humboldt says of the eastern boundary of New Mexico; and his map illustrates what he says. He places that boundary, as it leaves the Rio Grande del Norte, at about twelve miles below the mouth of the Puerco, in west longitude 104, and in north latitude 29½,

[4] Alexander von Humboldt (1769–1859) was a German naturalist who traveled through Mexico in the early nineteenth century.

and thence northeastwardly to the head of the Rio San Saba, a branch of the Rio Colorado of Texas, in north latitude 32°15', and in west longitude 101. This is the line he gives as found in the special maps drawn up by the engineers in the service of the king of Spain, and preserved in the archives of the vice-royalty in the city of Mexico. Further than that he does not trace it, because the country was wild and unoccupied except by roving Indians; but that is far enough for our purpose. It is enough to show that New Mexico, under the Spanish government, extended as far east as 101 degrees of longitude, covering the whole course of the Puerco, and entering what is now the county of Bexar, in Texas. So much for Humboldt: now for Pike.[5] He says, at p. 5 of his appendix to the journal of his journey through New Mexico:

New Mexico lies between 30°30' and 44° of north latitude, and 104 and 108 degrees of west longitude, and is the most northern province of the kingdom of New Spain. It extends northwest into an undefined boundary—is bounded north and east by Louisiana, south by New Biscay and Coahuila, and west by Sonora and California. Its length is unknown: its breadth may be 600 miles; but the inhabited part is not more than 400 miles in length and 50 in breadth, lying along the river del Norte from the 37° to the 31°30' of north latitude: but in this space there is a desert of more than 250 miles. Santa Fé is the capital, and the residence of the governor. El Paso is the second city, and is the residence of the lieutenant governor. It is the most southern town of the province, as Taos is the most northern.

This is the journal of Pike, and his map corresponds with it. It shows the eastern boundary of New Mexico, leaving the Del Norte a few miles below the mouth of the Puerco, in longitude 104, and bearing northeast towards the San Saba. This corresponds with Humboldt, and shows that, in naming 104 as the eastern longitudinal limit of New Mexico, he was only speaking of the point at which it left the Rio del Norte, called in that part the Rio Grande. His map—the breadth of the province, stated by him at six hundred miles—and the boundary east on Louisiana—all show that he carried the eastern boundary, after leaving the Del Norte, as far northeast as Humboldt had done. This is the testimony of Pike, then a lieutenant, afterwards a general in the army of the United States, an energetic explorer as well as a brave officer, and much addicted to geographical study. He had explored the headwaters of the Mississippi and the Arkansas, and then traversed New Mexico and the contiguous provinces to Chihuahua, and thence to Texas, as a prisoner in the hands of Spanish officers, and improved the occasion to learn the geography and history of the country through which he was led, and gave us the earliest American account of the internal provinces of New Spain.

Dr. Wislizenus,[6] a scientific traveler, and one of the latest in the (former) internal provinces, confirms both Humboldt and Pike. In his journal of '46–'47, he says:

Under the Spanish government, Texas, with Coahuila, New Santander, and New Leon, belonged to the general commandancia of the *provincias internas orientales*. This division was made in 1807. In 1824, when nineteen independent States and some territories formed themselves into the present Republic of Mexico, New Leon and New Santander became two of those States, the latter having changed its name into Tamaulipas, and Coahuila and Texas united formed a third State. *The boundaries of those States continued to be the same as under the Spanish government.* All the authorities which I had an opportunity to compare, in regard to the then southern boundary of Texas, seem to agree in a line along the *Nueces;* but the respective boundary between Coahuila and Texas appears to have been somewhat indefinite from the earliest settlements. Humboldt, in his Essay Politique sur le royaume de la Nouvelle Espagne, v. i, p. 282, says: 'J'ai tracé les limites de Coahuila et de Texas près de l'embouchure du Rio Puerco et vers les sources du Rio de San Saba, telles que je les ai trouvées indiqués dans les cartes spéciales conservées dans les archives de la vice-royauté, et dressées par des ingénieurs au service du roi d'Espagne. Mais comment déterminer des limites territoriales dans des savannes immenses où les métairies sont eloignées les unes des autres de 15 á 20 lieues, et où l'on ne trouve presque aucune trace de défrichement ou de culture.

A late German work on Mexico by Muehlenpfordt, published in 1844, contains the following comment upon the same subject: "The boundaries of the present State of Coahuila towards Texas in the north and northeast are rather indefinite, but we presume that towards the north the boundary of the State of Coahuila

[5] Zebulon M. Pike (1779–1813) was the American explorer for whom Pike's Peak was named.

[6] Frederick Adolph Wislizenus (1810–1889), a physician and a native of Germany who immigrated to the United States, traveled extensively in the West, first in 1839 and again in 1846–1847. Benton had his journal of the latter trip printed as a Senate document in 1848.

extends from the mouth of the Rio Puerco to the small lake of San Saba, near the 32° north latitude." And in another place the same author says of the state of Tamaulipas: "The State, formerly called the colony of New Santander, and belonging to the intendancy of San Luis Potosi, but since the revolution of Mexico an independent State, is bound on the north by the State of Coahuila and the present Republic of Texas, and on the east by the gulf of Mexico, from the Languna de Tampico to the Nueces river, or from the 22° to the 28° north latitude."

In the "Ensayo estadistico sobre el Estado de Chihuahua," published in Chihuahua, 1842, I find (p. 10) the following passage:

[Spanish text omitted]

The Pecos river forms the dividing line between the State of Chihuahua and that of Coahuila and Texas, from 32°30' north latitude, down to its mouth, into the Rio Grande.

The Pecos and the Puerco, it will be remembered, are the same river, called, at its sources, after the name of the Indian tribe who lived upon them, and in its lower part *Puerco*, from the color of its waters, *muddy*. All authorities agree that this river was, and is, in New Mexico.

The map of Dr. Wislizenus, which I now produce, agrees with Humboldt and Pike, except in the correction of slight differences in longitudes and latitudes, which his accurate instruments enabled him to make, and which have no practical consequence in this examination. On this map I have marked, in a red pencil line, the southeastern boundary of New Mexico as it existed under the Spanish government, and in a dotted red pencil line the new boundary as proposed by our Committee of Thirteen. The difference between the two lines is, as I have stated, about 70,000 square miles; and to that extent is New Mexico to be affected by that proposed line.

Three ways to settle the title

To avoid all misconception, I repeat what I have already declared, that I am not occupying myself with the question of title as it may exist and be eventually determined between New Mexico and Texas; nor am I questioning the power of Congress to establish any line it pleases in that quarter for the state of Texas, with the consent of the state, and any one it pleases for the territory of New Mexico without her consent. I am not occupying myself with the questions of title or power, but with the question of possession only—and how far the possession of New Mexico is to be disturbed, if disturbed at all, by the committee's line; and the effect of that disturbance in rousing the slavery question in that quarter. In that point of view the fact of possession is everything: for the possessor has a right to what he holds until the question of title is decided—by law, in a question between individuals or communities in a land of law and order—or by negotiation or arms between independent powers. I use the phrase, possession by New Mexico; but it is only for brevity, and to give locality to the term possession. New Mexico possesses no territory; she is a territory, and belongs to the United States; and the United States own her as she stood on the day of the treaty of peace and cession between the United States and the Republic of Mexico; and it is into that possession that I inquire, and all which I assert that the United States have a right to hold until the question of title is decided. And to save inquiry or doubt, and to show that the committee are totally mistaken in law in assuming the consent of Texas to be indispensable to the settlement of the title, I say there are three ways to settle it, the first and best by compact, as I proposed before Texas was annexed, and again by a bill of this year: next by a suit in the Supreme Court under that clause in the Constitution which extends the judicial power of the United States to all controversies to which the United States is a party, and that other clause which gives the Supreme Court original jurisdiction of all cases to which a state is a party: the third way is for the United States to give a government to New Mexico according to the territory she possessed when she was ceded to the United States. These are the three ways to settle the question—one of them totally dependent on the will of Texas—one of them totally independent of her will—and one independent of her will until she chooses to go into court. As to anything that Texas or New Mexico may do in taking or re-

linquishing a possession, it is all moonshine. New Mexico is a territory of the United States. She is the property of the United States; and she cannot dispose of herself, or any part of herself; nor can Texas take her, or any part of her. She is to stand as she did the day the United States acquired her; and to that point all my examinations are directed.

And in that point of view it is immaterial what are the boundaries of New Mexico. The whole of the territory obtained from Mexico, and not rightfully belonging to a state, belongs to the United States; and, as such, is the property of the United States, and to be attended to accordingly. But I proceed with the possession of New Mexico, and show that it has been actual and continuous from the conquest of the country by Don Juan de Oñate,[7] in 1595, to the present time. That ancient actual possession has already been shown at the starting point of the line—at El Paso del Norte. I will now show it to be the same throughout the continuation of the line across the Puerco and its valley, and at some points on the left bank of the Del Norte below El Paso. And first, of the Puerco River. It rises in the latitude of Santa Fé, and in its immediate neighborhood, only ten miles from it, and running south falls into the Rio del Norte, about three hundred miles on a straight line below El Paso, and has a valley of its own between the mountain range on the west, which divides it from the valley of the Del Norte, to which it is parallel, and the high arid tableland on the east called El Llano Estacado—the Staked Plain—which divides it from the headwaters of the Red River, the Colorado, the Brasos, and other Texan streams. It is a long river, its head being in the latitude of Nashville—its mouth a degree and a half south of New Orleans. It washes the base of the high table land, and receives no affluents, and has no valley on that side; on the west it has a valley, and many bold affluents, coming down from the mountain range (the Sierra Obscura, the Sierra Blanca, and the Sierra de los Organos), which divides it from the valley of the upper Del Norte. It is valuable for its length, being a thousand miles, following its windings—from its course, which is north and south—from the quality of its water, derived from high mountains—from its valley, timbered and grassy, part prairie, good for cultivation, for pasturage, and salt. It has two climates, cold in the north from its altitude (seven thousand feet)—mild in the south from its great descent, not less than five thousand feet, and with a general amelioration of climate over the valley of the Del Norte from its openness on the east and mountain shelter on the west. It is a river of New Mexico, and is so classified in geography. It is an old possession of New Mexico, and the most valuable part of it, and has many of her towns and villages upon it. Las Vegas, Gallinas, Tecolote Abajo, Cuesta, Pecos, San Miguel, Anton Chico, Salinas, Gran Quivira, are all upon it. Some of these towns date their origin as far back as the first conquest of the Taos Indians, about the year 1600; and some have an historical interest, and a special relation to the question of title between New Mexico and Texas. Pecos is the old village of the Indians of that name, famous for the sacred fire so long kept burning there for the return of Montezuma. Gran Quivira was a considerable mining town under the Spaniards before the year 1680, when it was broken up in the great Indian revolt of that year. Dr. Wislizenus thus speaks of it, (June, 1846:)

> Within the last few years several Americans and Frenchmen have visited the place, and although they have not found the reputed treasure, they certify at least to the existence of an aqueduct, about ten miles in length, to the still standing walls of several churches, the sculpture of the Spanish coat of arms, and to many spacious pits, supposed to be silver mines. It was no doubt a Spanish mining town; and it is not unlikely that it was destroyed in 1680, in the general and successful insurrection of the Indians in New Mexico against the Spaniards.

Las Salinas are the salt lakes in the valley of the Puerco, about one hundred miles southeast from Santa Fé, and where the people of New Mexico have obtained their salt from the settlement of the country to the present day. This is what Dr. Wislizenus says of these places:

> About four days' traveling (probably one hundred miles) south-southeast of Santa Fé, are some extensive salt lakes, or 'Salinas,' from which all the salt used in New Mexico is

[7] Juan de Oñate (1550?–1630) was an explorer and the first Spanish governor of New Mexico.

procured. Large caravans go there every year from Santa Fé, in the dry season, and return with as much as they can transport. They exchange, generally, one bushel of salt for one of Indian corn, or sell it for one, and even two dollars a bushel.

Mr. President, I am a salt man! I have an almost mystical reverence for salt. It is the conservative principle of nature. The life of man and beast requires it. God has bestowed it; and let all keep it, to whom he has given it. No taxing, or taking any people's salt!

San Miguel, twenty miles from Santa Fé, is the place where the Texan expedition, under Colonel Cooke, were taken prisoners in 1841.

To all these evidences of New Mexican possession of the Rio Puerco and its valley, is to be added the further evidence resulting from acts of ownership in grants of land made upon its upper part, as in New Mexico, by the superior Spanish authorities before the revolution, and by the New Mexican local authorities since. The lower half was ungranted, and leaves much vacant land, and the best in the country, to the United States.

The great pastoral lands of New Mexico are in the valley of the Puerco, where millions of sheep were formerly pastured, now reduced to about two hundred thousand by the depredation of the Indians. The New Mexican inhabitants of the Del Norte send their flocks there to be herded by shepherds, on shares; and in this way, and by taking their salt there, and in addition to their towns and settlements, and grants of lands, the New Mexicans have had possession of the Puerco and its valley since the year 1600—that is to say, for about one hundred years before the shipwreck of La Salle,[8] in the bay of San Bernardo, revealed the name of Texas to Europe and America.

These are the actual possessions of New Mexico on the Rio Puerco. On the Rio del Norte, as cut off by the committee's bill, there are, the little town of Frontera, ten miles above El Paso, a town begun opposite El Paso, San Eleazario, twenty miles below, and some houses lower down opposite El Presidio del Norte. Of all these, San Eleazario is the most considerable, having a population of some four thousand souls, once a town of New Biscay, now of New Mexico, and now the property of the United States by avulsion. It is an island; and the main river, formerly on the north and now on the south of the island, leaves it in New Mexico. When Pike went through it, it was the most northern town, and the frontier garrison of New Biscay; and there the then lieutenant governor of New Mexico, who had escorted him from El Paso, turned him over to the authorities of a new province. It is now the most southern town of New Mexico, without having changed its place, but the river which disappeared from its channel in that place, in 1752, has now changed it to the south of the island. Humboldt thus describes this phenomenon:

> The inhabitants of the Paso del Norte have preserved the memory of a very extraordinary event which took place in the year 1752. They saw all at once the bed of the river dry thirty leagues above, and more than twenty leagues below the Paso: the water of the river threw itself into a crevasse newly formed, and did not issue again until near the Presidio of San Eleazario. This loss of the Rio del Norte continued a considerable time. The beautiful fields which surround the Paso, and which are traversed by little canals of irrigation, remained without watering; the inhabitants dug wells in the sand with which the bed of the river is filled. Finally, after several weeks they saw the water take its ancient course, without doubt because the crevasse and the subterranean conduits had filled themselves.—*Essay on New Spain, vol. 1, p. 304*

I reiterate: I am not arguing title; I am only showing possession, which is a right to remain in possession until title is decided. The argument of title has often been introduced into this question; and a letter from President Polk,[9] through Secretary Buchanan,[10] has often been read on the Texan side. Now, what I have to say of that letter, so frequently referred to, and considered so conclusive, is this: that, however potent it may have been in inducing annexation, or how much soever it may be entitled to consideration in fixing the amount to be paid to Texas for her Mexican claim, yet as an evidence

[8] René-Robert Cavelier de La Salle (1643–1687) was a French explorer who claimed the Mississippi Valley for France. In 1684 he was shipwrecked on the coast of Texas.

[9] James K. Polk (1795–1849) was president of the United States, 1845–1849.

[10] James Buchanan (1791–1868) served in the Senate, 1834–1845, and as secretary of state, 1845–1849. He subsequently served as president of the United States, 1857–1861.

of title, I should pay no more regard to it than to a chapter from the life and adventures of Robinson Crusoe. Congress and the judiciary are the authorities to decide such claims to titles, and not presidents and secretaries.

I rest upon the position, then, that the Rio Puerco, and its valley, is and was a New Mexican possession, as well as the left bank of the Del Norte, from above El Paso to below the mouth of the Puerco; and that this possession cannot be disturbed without raising the double question, first, of actual extension of slavery; and, secondly, of the present legal existence of slavery in all New Mexico east of the Rio Grande, as a part of Texas. These are the questions which the proposed line of the committee raise, and force us to face. They are not questions of my seeking, but I shall not avoid them. It is not a new question with me, this extension of slavery in that quarter. I met it in 1844, before the annexation of Texas. On the 10th day of June, of that year, and as part of a bill for a compact with Texas, and to settle all questions with her—the very ones which now perplex us—before she was annexed, I proposed, as article V. in the projected compact:

ART. V. 'The existence of slavery to be forever prohibited in that part of the annexed territory which lies west of the hundredth degree of longitude west from the meridian of Greenwich.'

"This large extension of slavery"

This is what I proposed six years ago, and as one in a series of propositions to be offered to Texas and Mexico for settling all questions growing out of the projected annexation beforehand. They were not adopted. Immediate annexation, without regard to consequences, was the cry; and all temperate counsels were set down to British traitors, abolitionists, and Whigs. Well! we have to regard consequences now—several consequences: one of which is this large extension of slavery, which the report and conglomerate bills of the Committee of Thirteen force us to face. I did so six years ago, and heard no outbreak against my opinions then. But my opposition to the extension of slavery dates further back than 1844—forty years further back; and as this is a suitable time for a general declaration, and a sort of general conscience delivery, I will say that my opposition to it dates from 1804, when I was a student at law in the state of Tennessee, and studied the subject of African slavery in an American book—a Virginia book—Tucker's edition of *Blackstone's Commentaries.* And here it is, [holding up a volume and reading from the title page:] *"Blackstone's Commentaries, with notes of reference to the Constitution and laws of the Federal Government of the United States, and of the Commonwealth of Virginia, in five volumes, with an appendix to each volume containing short tracts, as appeared necessary to form a connected view of the laws of Virginia as a member of the Federal Union. By St. George Tucker, Professor of Law in the University of William and Mary, and one of the Judges of the General Court in Virginia."* In this American book—this Virginia edition of an English work—I found my principles on the subject of slavery. Among the short tracts in the appendixes is one of fifty pages in the appendix to the first volume, second part, which treats of the subject of African slavery in the United States, with a total condemnation of the institution, and a plan for its extinction in Virginia. In that work—in that school—that old Virginia school which I was taught to reverence—I found my principles on slavery: and adhere to them. I concur in the whole essay, except the remedy—gradual emancipation—and find in that remedy the danger which the wise men of Virginia then saw and dreaded, but resolved to encounter, because it was to become worse with time: the danger to both races from so large an emancipation. The men of that day were not enthusiasts or fanatics: they were statesmen and philosophers. They knew that the emancipation of the black slave was not a mere question between master and slave—not a question of property merely—but a question of white and black—between races; and what was to be the consequence to each race from a large emancipation.[11] And there the wisdom, not the

[11] "It may be asked why not retain the blacks among us, and incorporate them into the State. Deep-rooted prejudices entertained by the whites; ten thousand recollections of the blacks of the injuries they have sustained; new provocations; the real distinctions which nature has made; and many other circumstances, will divide us into parties, and produce convulsions, which will probably never end but in the extermination of one or the other race."—*Jefferson.* [Benton note]

philanthropy, of Virginia balked fifty years ago; there the wisdom of America balks now. And here I find the largest objection to the extension of slavery—to planting it in new regions where it does not now exist—bestowing it on those who have it not. The incurability of the evil is the greatest objection to the extension of slavery. It is wrong for the legislator to inflict an evil which can be cured: how much more to inflict one that is incurable, and against the will of the people who are to endure it forever! I quarrel with no one for supposing slavery a blessing: I deem it an evil: and would neither adopt it nor impose it on others. Yet I am a slaveholder, and among the few members of Congress who hold slaves in this District. The French proverb tells us that nothing is new but what has been forgotten. So of this objection to a large emancipation. Every one sees now that it is a question of races, involving consequences which go to the destruction of one or the other: it was seen fifty years ago, and the wisdom of Virginia balked at it then. It seems to be above human wisdom. But there is a wisdom above human! and to that we must look. In the meantime, not extend the evil.

In refusing to extend slavery into these seventy thousand square miles, I act in conformity not only to my own long-established principles, but also in conformity to the long-established practice of Congress. Five times in four years did Congress refuse the prayer of Indiana for a temporary suspension of the antislavery clause of the Ordinance of '87. On the 2d of March, 1803, Mr. Randolph,[12] of Roanoke, as chairman of the committee to which the memorial praying the suspension was referred, made a report against it, which was concurred in by the House. This is the report:

> That the rapid population of the State of Ohio, sufficiently evinces, in the opinion of your committee, that the labor of slaves is not necessary to promote the growth and settlement of colonies in that region. That this labor, demonstrably the dearest of any, can only be employed to advantage in the cultivation of products more valuable than any known to that quarter of the United States: that the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the northwestern country, and to give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will, at no very distant day, find ample remuneration for a temporary privation of labor and of emigration.

This report of Mr. Randolph was in 1803: the next year, March, 1804, a different report, on the same prayer, was made by a committee of which Mr. Rodney,[13] of Delaware, was chairman. It recommended a suspension of the antislavery clause for ten years: it was not concurred in by the House. Two years afterwards, February, 1806, a similar report, recommending suspension for ten years, was made by a committee of which Mr. Garnett,[14] of Virginia, was chairman: it met the same fate—nonconcurrence. The next year, 1807, both houses were tried. In February of that year, a committee of the House, of which Mr. Parke[15] was chairman, reported in favor of the indefinite suspension of the clause: the report was not concurred in. And in November of that year, Mr. Franklin,[16] of North Carolina, as chairman of a committee of the Senate, made a report against the suspension, which was concurred in by the Senate, and unanimously, as it would seem from the *Journal*, there being no division called for. Thus, five times in four years, the respective houses of Congress refused to admit even a temporary extension, or rather reextension of slavery into Indiana Territory, which had been before the Ordinance of '87 a slave territory, holding many slaves at Vincennes. These five refusals to suspend the Ordinance of '87, were so many confirmations of it. All the rest of the action of Congress on the subject, was to the same effect or stronger. The Missouri Compromise line was a curtailment of slave territory; the Texas annexation resolutions were the same; the Ordinance of '87 itself, so often confirmed by Congress, was a curtailment of slave

[12] John Randolph of Virginia (1773–1833) served in the House of Representatives, 1799–1813, 1815–1817, 1819–1825, and 1833. He served in the Senate, 1825–1827.

[13] Caesar Augustus Rodney (1772–1824) served in the House of Representatives, 1803–1805, and in the Senate, 1822–1823.

[14] James M. Garnett (1770–1843) served in the House of Representatives, 1805–1809.

[15] Benjamin Parke (1777–1835) was a delegate from the territory of Indiana, 1805–1808.

[16] Jesse Franklin (1760–1823) served in the Senate, 1799–1805 and 1807–1813.

territory—in fact its actual abolition; for it is certain that slavery existed in fact in the French settlements of the Illinois at that time; and that the ordinance terminated it. I act then in conformity to the long, uniformly established policy of Congress, as well as in conformity to my own principles, in refusing to vote the extension of slavery, which the committee's line would involve.

And here, it does seem to me that we, of the present day, mistake the point of the true objection to the extension of slavery. We look at it as it concerns the rights, or interests, of the inhabitants of the states! and not as it may concern the people to whom it is to be given! and to whom it is to be an irrevocable gift—to them, and posterity! Mr. Randolph's report, in the case of Indiana, took the true ground. It looked to the interest of the people to whom the slavery was to go, and refused them an evil, although they begged for it.

Will climate keep slavery out of New Mexico?

I return to the point—the 70,000 square miles of territory which the committee's line would transfer from the possession of New Mexico to the possession of Texas—and the question of the extension of slavery which grows out of that transfer. There is no slavery on it now, either in law or in fact. It will be there by law if the transfer is made. This leaves open but one question, and that is, can climate be relied upon to keep it away? I think not. There are two climates in New Mexico—one frigid, the other temperate; and these 70,000 square miles are in the temperate part. It is a long province, stretching north and south, high and mountainous in the north—lower, and with broader valley lower down. Santa Fé has an elevation of 7,250 feet, El Paso 3,800. The Rio del Norte is called in the upper part of its course the river above (Rio Arriva), in the lower part, river below (Rio Abajo) and the climate corresponds with this structure of the country—rigorous at Santa Fé, mild at El Paso. Humboldt thus speaks of them:

> New Mexico, though placed under the same latitude with Syria and Central Persia, has a climate eminently cold. It freezes there in the middle of the month of May, near to SANTA FE, and a little further north (under the parallel of the Morea) the Rio del Norte is covered sometimes several years in succession with ice so thick that horses and carriages pass on it. We do not know the elevation of the country in New Mexico; but I doubt whether, under the 37° of latitude, the bed of the river may have more than seven or eight hundred meters of elevation above the level of the sea. The mountains which border the valley of the Del Norte, even those at the foot of which is placed the village of Taos, lose their snow already toward the commencement of the month of June.—*Vol. 1, p. 302.*
>
> The environs of EL PASO are a delicious country, which resemble the most beautiful parts of Andalusia. The fields are cultivated in corn and wheat. The vineyards produce excellent wines, which are preferred even to the wines of Parras and of New Biscay. The gardens contain, in abundance, all the fruit trees of Europe—figs, peaches, pomegranates, and pears.—*Vol. 1, p. 306.*

Humboldt is right, and recent travellers confirm now what he wrote in 1804. It was at the head of the valley of the Del Norte, some three degrees north of Santa Fé, that Colonel Frémont [17] suffered his great disaster—had to struggle through snows above the heads of men and horses, and found it a relief to tread the river, solid with ice, for a road. At Santa Fé, the 20th of February, he found it winter; eight days afterwards, on the Rio Abajo, half way to El Paso, and having descended 2,600 feet, and still 1,200 feet above the level of El Paso, he found it spring—the farmers ploughing and seeding, the early fruit trees in bloom, and the air so mild that he camped out of nights and without tents, though in a settled and hospitable country. Here, then, are two climates in New Mexico—one a barrier against the introduction of African slavery, the other not; and it is that part which is not a barrier that is proposed to be transferred to Texas. This applies to the Del Norte and its valley: it is still more true of the Puerco and its valley. Rising in the latitude, and at the elevation of Santa Fé, it descends below the latitude, and below the elevation of El Paso, and is milder in its climate throughout, because more open to the east, and sheltered on the west by a long and lofty range of mountains. Its more genial climate makes it, as I have said, the bucolic region of New Mexico, to which the inhabitants of the banks of the Del Norte send

[17] John Charles Frémont (1813–1890), Benton's son-in-law, led a number of expeditions to the West Coast in the 1840's. He served as one of the first senators from California, 1850–1851.

their flocks to find their own food, and live without shelter, the year round. And it is precisely the southern half of this river and valley, reaching a degree and a half south of New Orleans, and without sufficient altitude to counteract the effect of southern latitude, that the committee's bill would transfer this large district from the possession of New Mexico to the possession of Texas. Climate there can be no bar to the introduction of slavery; and thus its actual extension into that quarter becomes the question which the committee's bill forces us to face—and which I have faced!

The committee's line has the further ill consequence of raising the question of the existence of slavery by law in the Santa Fé part even of New Mexico. If their line is a *compromise* of the Texas claim, it admits the right and sovereignty of Texas both above and below, and will involve members in an inconvenient vote—the consequence of which is readily seen.

This is a consequence which the committee's bill involves, and from which there is no escape but in the total rejection of their plan, and the adoption of the line which I propose—the longitudinal line of 102—which, corresponding with ancient title and actual possession, avoids the question of slavery in either country; which, leaving the population of each untouched, disturbs no interest, and which, in splitting the high sterile tableland of the Staked Plain, conforms to the natural division of the country, and leaves to each a natural frontier, and an ample extent of compact and homogeneous territory. To Texas is left all the territory drained by all the rivers which have their mouths within her limits, whether those mouths are in the Gulf of Mexico, the Mississippi, or the Rio Grande: to New Mexico is left the whole course of the Rio Puerco and all its valley; and which, added to the valley of the Del Norte, will make a state of the first class in point of territory, susceptible of large population and wealth, and in a compact form capable of defence against Indians. The Staked Plain is the natural frontier of both countries. It is a dividing wall between systems of waters and systems of countries. It is a high sterile plain, some sixty miles wide upon some five hundred long, running north and south, its western declivity abrupt and washed by the Puerco at its base: its eastern broken into chasms—cañones—from which issue the myriad of little streams which, flowing towards the rising sun, form the great rivers—Red River, Brasos, Colorado, Nueces, which find their outlet in the Mississippi or in the Gulf of Mexico. It is a salient feature in North American geography—a table of land sixty miles wide, five hundred long, and some thousands of feet above the level of the sea—and sterile, level, without a shrub, a plant, or grass, and presenting to the traveler a horizon of its own like the ocean. Without a landmark to guide the steps of the traveler across it, the early hunters and herdsmen of New Mexico staked their course across it; and hence its name, *El Llano Estacado*—the Staked Plain. It is a natural frontier between New Mexico and Texas; and for such a line, quieting all questions between them, all with the United States, yielding near two hundred thousand square miles of territory to the United States, and putting into her hands the means of populating and defending New Mexico by giving lands to settlers and defenders—I am ready to vote the fifteen millions which my bill fairly and openly proposes. For the line in this bill I would not give a copper. But it would be a great error to suppose I would give fifteen millions for the territory in dispute between New Mexico and Texas. That disputed territory is only a small part of what the Texas cession would be. It would embrace four degrees of latitude on the north of Texas, and a front of a thousand miles on the Arkansas, and would give to the United States territory indispensable to her—to the population and defence both of New Mexico and Utah, in front of both which this part of Texas lies.

A government for New Mexico

The committee, in their report, and the senator from Kentucky [Mr. CLAY], in his speech, are impressive in their representations in favor of giving governments to New Mexico and the remaining part of California. I join them in all they say in favor of the necessity of these governments, and the duty of Congress to give them. I mean territorial governments, and would not vote for state governments in either

of them, even if they sent constitutions here. I do not deem them ripe for such governments; they are too young and weak for that. They are in our hands, and upon our hands, and belong to us; and it is our duty to provide for them, and take care of them, until they are strong enough to take care of themselves as sovereign states. Both territories require government at our hands, and protection along with it; New Mexico especially, now desolated by Indian ravages, and suffering more in the three years that she has belonged to the United States than in any three years of her existence—even during the most helpless period of the Mexican rule. The Spanish government, under the vice-regal system, appropriated two thousand dragoons to the protection of the internal provinces from the Apaches, the Navahoes, the Comanches, and other wild Indians. We have a few companies of dragoons and some stationary infantry, in sight of whose barracks these Indians slay men and women, carry off children, and drive away flocks and herds, sometimes thousands in a drove. The Navahoes actually have more New Mexican sheep now than the New Mexicans have left. A single individual inhabitant of El Paso owned more cattle and sheep when Pike was there in 1806 than the whole town and settlement now own. Single inhabitants of the valley of the Del Norte owned flocks and herds then nearly equal to those of the whole province now. The valley of Puerco, then the sheep-walk of millions, is now reduced to some two hundred thousand, and becoming less every day. All this is a reproach to us. It is a reproach to republican government in our persons. It is an appeal to us for succor and protection, to which we cannot be deaf without drawing down upon our heads the censure of all good men. But this bill is not the way to give it. These governments are balked by being put into this bill. They not only impede California, but themselves. The conjunction is an injury to both. They mutually delay and endanger each other. And it is no argument in favor of the conjunction to say that the establishment of a government for New Mexico requires the previous settlement of her eastern boundary with Texas. That is no argument for tacking Texas, with all her multifarious questions, even to New Mexico, much less to California. It is indeed very desirable to settle that boundary, and to settle it at once, and forever; but it is not an indispensability to the creation of a government for New Mexico. We have a right to a government according to her possession; and that we can give her, to continue till the question of title is decided. The *uti possidetis*—as you possess—is the principle to govern our legislation—the principle which gives the possessor a right to the possession until the question of title is decided. This principle is the same both in national and municipal law—both in the case of citizens or communities of the same government, and between independent nations. The mode of decision only is different. Between independent nations it is done by negotiation or by arms: between citizens or communities of the same government, it is done by law. Independent nations may invade and fight each other for a boundary: citizens or communities of the same government cannot. And the party that shall attempt it commits a violation of law and order; and the government which permits such violation is derelict of its duty.

I have now examined, so far as I propose to do it on a motion for indefinite postponement, the three bills which the committee have tacked together—the California, Utah, New Mexico and Texas bills. There are two other bills which I have not mentioned, because they are not tacked, but only hung on; but which belong to the system, as it is called, and, without some mention of which, injustice would be done to the committee in the presentation of their scheme. The fugitive slave recovery bill, and the District of Columbia slave trade suppression bill, are parts of the system of measures which the committee propose, and which, taken together, are to constitute a compromise, and to terminate forever and most fraternally all the dissensions of the slavery agitation in the United States. They apply to two out of the five gaping wounds which the senator from Kentucky enumerated on the five fingers of his left hand, and for healing up all which at once he had provided one large plaster, big enough to cover all, and efficacious enough to cure all; while the president only proposed to cure one,

and that with a little plaster, and it of no efficacy. I do not propose to examine these two attendant or sequacious bills, which dangle at the tail of the other three. I will not go into them, nor mention them further than to say, that the alternative in the report to pay the owner out of the federal treasury for the loss of irrecoverable slaves, might admit, in practice, of abolition in the states by the legislation of Congress and the purse of the nation; and to suppress the slave trade in this District as a concession for abstaining from the abolition of slavery in this District, as expressed in the report, page 17, is to make concession of something valuable, for an abstinence which we have had for sixty years without concession, and are still to have on the same terms.

There is "nothing to be compromised"

This is the end of the committee's labor—five old bills gathered up from our table, tacked together, and christened a compromise! Now compromise is a pretty phrase at all times, and is a good thing in itself, when there happens to be any parties to make it, any authority to enforce it, any penalties for breaking it, or anything to be compromised. The compromises of the Constitution are of that kind; and they stand. Compromises made in court, and entered of record, are of that kind; and they stand. Compromises made by individuals on claims to property are likewise of that character; and they stand. I respect all such compromises. But where there happens to be nothing to be compromised, no parties to make a compromise, no power to enforce it, no penalty for its breach, no obligation on anyone—not even its makers—to observe it, and when no two human beings can agree about its meaning, then a compromise becomes ridiculous and pestiferous. I have no respect for it, and eschew it. It cannot stand, and will fall; and in its fall will raise up more ills than it was intended to cure. And of this character I deem this farrago of incongruous matter to be, which has been gathered up and stuck together, and offered to us "all or none," like "fifty-four forty." It has none of the requisites of a compromise, and the name cannot make it so.

In the first place, there are no parties to make a compromise. We are not in convention, but in Congress; and I do not admit a geographical division of parties in this chamber, although the Committee of Thirteen was formed upon that principle—six from the South, half a dozen from the North, and one from the borders of both—sitting on a ridge pole,[18] to keep the balance even. I recognize no such parties. I know no North, and I know no South; and I repulse and repudiate, as a thing to be forever condemned, this first attempt to establish geographical parties in this chamber, by creating a committee formed upon that principle. In the next place, there is no sanction for any such compromise—no authority to enforce it—none to punish its violation. In the third place, there is nothing to be compromised. A compromise is a concession, a mutual concession of contested claims between two parties. I know of nothing to be conceded on the part of the slaveholding states in regard to their slave property. Their rights are independent of the federal government, and admitted in the Constitution—a right to hold their slaves *as property*, a right to pursue and recover them *as property*, a right to it as a *political element* in the weight of these states, by making five count three in the national representation. These are our rights by an instrument which we are bound to respect, and I will concede none of them, nor purchase any of them. I never purchase as a concession what I hold as a right, nor accept an inferior title when I already hold the highest. Even if this congeries of bills was a compromise, in fact, I should be opposed to it, for the reasons stated. But the fact itself is to me apocryphal. What is it but the case of five old bills introduced by different members as common legislative measures—caught up by the senator from Kentucky, and his committee, bundled together, and then called a compro-

[18] A very critical position, and requiring a most nice adjustment of balance to keep the weight from falling on one side, or the other—something like that of the Roman emperor, in his apotheosis, who was required to fix himself exactly in the middle of the heavens, lest, by leaning to one side, or the other, he might overset the universe.

Press not too much on any part of the sphere,
Hard were the task thy weight divine to bear!
O'er the mid orb more equal shalt thou rise,
And with a juster balance fix the skies.—*Lucan.* [Benton note]

mise! Now, this mystifies me. The same bills were ordinary legislation in the hands of their authors; they become a sacred compromise in the hands of their new possessors. They seemed to be of no account as laws; they become a national panacea as a compromise. The difference seems to be in the change of name. The poet tells us that a rose will smell as sweet by any other name. That may be true of roses, but not of compromises. In the case of the compromise, the whole smell is in the name; and here is the proof. The senator from Illinois [Mr. DOUGLAS] [19] brought in three of these bills: they emitted no smell. The senator from Virginia [Mr. MASON] [20] brought in another of them—no smell in that. The senator from Missouri, who now speaks to the Senate, brought in the fifth—*ditto*, no smell about it. The olfactory nerve of the nation never scented their existence. But no sooner are they jumbled together, and called a compromise, than the nation is filled with their perfume. People smell it all over the land, and, like the inhalers of certain drugs, become frantic for the thing. This mystifies me, and the nearest that I can come to a solution of the mystery is in the case of the two Dr. Townsend's and their sarsaparilla root. They both extract from the same root, but the extract is a totally different article in the hands of the two doctors. Produced by one, it is a universal panacea: by the other, it is of no account, and little less than poison. Here is what the Old Doctor says of this strange difference:

> We wish it understood, because it is the *absolute truth*, that S. P. Townsend's article and Old Dr. Jacob Townsend's Sarsaparilla are *heaven-wide apart, and infinitely dissimilar*; that they are unlike in every particular, having not one single thing in common.

And accounts for the difference thus:

> The sarsaparilla root, it is well known to medical men, contains many medicinal properties, and some properties which are inert or useless, and others which, if retained in preparing it for use, produce *fermentation and acid*, which is injurious to the system. Some of the properties of sarsaparilla are so *volatile* that they entirely evaporate, and are lost in the preparation, if they are not preserved by a *scientific process*, known only to the experienced in its manufacture. Moreover, those *volatile principles*, which fly off in vapor, or as an exhalation, under heat, are the very *essential medical properties* of the root, which give to it all its value.

Now, all this is perfectly intelligible to me. I understand it exactly. It shows me precisely how the same root is either to be a poison or a medicine, as it happens to be in the hands of the old or the young doctor. This may be the case with these bills. To me it looks like a clue to the mystery; but I decide nothing, and wait patiently for the solution which the senator from Kentucky may give when he comes to answer this part of my speech. The old doctor winds up in requiring particular attention to his name labelled on the bottle, to wit, "Old Doctor Jacob Townsend," and not Young Doctor Samuel Townsend. This shows that there is a virtue in a name when applied to the extract of sarsaparilla-root; and there may be equal virtue in it when applied to a compromise bill. If so, it may show how these self-same bills are of no force or virtue in the hands of the young senator from Illinois [Mr. DOUGLAS], and become omnipotently efficacious in the hands of the old senator from Kentucky.

This is the end of the grand committee's work—five old bills tacked together, and presented as a remedy for evils which have no existence, and required to be accepted under a penalty—the penalty of being gazetted as enemies of compromise, and played at by the organs! The old one, to be sure, is dreadfully out of tune—the strings all broken and the screws all loose, and discoursing most woeful music, and still requiring us to dance to it! And such dancing it would be!—nothing but turn round, cross over, set-to, and back out! Sir, there was once a musician—we have all read of him—who had power with his lyre (but his instrument was spelt l y r e)—not only over men, but over wild beasts also, and even over stone, which he could make dance into their places when the walls of Ilion were to be built. But our old organist was none of that sort, even in his best day; and since the injury to his instrument in playing the grand national symphony of the four F's—the fifty-four forty or fight—it is so out of tune that its music will be much

[19] Stephen A. Douglas (1813–1861) served in the Senate, 1847–1861.

[20] James M. Mason (1798–1871) served in the Senate, 1847–1861.

more apt to scare off tame men than to charm wild beasts or stones.

"No more slavery compromises"

No, sir! no more slavery compromises. Stick to those we have in the Constitution, and they will be stuck to! Look at the four votes—those four on the propositions which I submitted. No abolition of slavery in the states: none in the fort, arsenals, navy yards and dockyards: none in the District of Columbia: no interference with the slave trade between the states. These are the votes given on this floor, and which are above all Congress compromises, because they abide the compromises of the Constitution.

The committee, besides the ordinary purpose of legislation, that of making laws for the government of the people, propose another object of a different kind, that of acting the part of national benefactors, and giving peace and happiness to a miserable and distracted people—*innuendo*, the people of the United States. They propose this object as the grand result and crowning mercy of their multifarious labors. The gravity with which the chairman of the committee has brought forward this object in his report, and the pathetic manner in which he has enforced it in his speech, and the exact enumeration he has made of the public calamities upon his fingers' ends, preclude the idea, as I have heretofore intimated, of any intentional joke to be practised upon us by that distinguished senator; otherwise I might have been tempted to believe that the eminent senator, unbending from his serious occupations, had condescended to amuse himself at our expense. Certain it is that the conception of this restoration of peace and happiness is most jocose. In the first place, there is no contention to be reconciled, no distraction to be composed, no misery to be assuaged, no lost harmony to be restored, no lost happiness to be recovered! And, if there was, the committee is not the party to give us these blessings. Their example and precept do not agree. They preach concord, and practice discord. They recommend harmony to others, and disagree among themselves. They propose the fraternal kiss to us, and give themselves rude rebuffs. They set us a sad example. Scarcely is the healing report read, and the anodyne bills, or pills, laid on our tables, than fierce contention breaks out in the ranks of the committee itself. They attack each other. They give and take fierce licks. The great peacemaker himself fares badly—stuck all over with arrows, like the man on the first leaf of the almanac. Here, in our presence, in the very act of consummating the marriage of California with Utah, New Mexico, Texas, the fugacious slaves of the states, and the marketable slaves of this District—in this very act of consummation, as in a certain wedding feast of old, the feast becomes a fight—the festival of combat—and the amiable guests pummel each other.

When his committee was formed, and himself safely installed at the head of it, conqueror and pacificator, the senator from Kentucky appeared to be the happiest of mankind. We all remember that night. He seemed to ache with pleasure. It was too great for continence. It burst forth. In the fulness of his joy, and the overflowing of his heart, he entered upon that series of congratulations which we all remember so well, and which seemed to me to be rather premature, and in disregard of the sage maxim which admonishes the traveler never to halloo till he is out of the woods. I thought so then. I was forcibly reminded of it on Saturday last, when I saw that senator, after vain efforts to compose his friends, and even reminding them of what they were "threatened" with this day—*innuendo*, this poor speech of mine—gather up his beaver and quit the chamber, in a way that seemed to say, the Lord have mercy upon you all, for I am done with you! But the senator was happy that night—supremely so. All his plans had succeeded—Committee of Thirteen appointed—he himself its chairman—all power put into their hands—their own hands untied, and the hands of the Senate tied—and the parties just ready to be bound together forever. It was an ecstatic moment for the Senator, something like that of the heroic Pirithous when he surveyed the preparations for the nuptial feast—saw the company all present, the lapithae on couches, the centaurs on their haunches—heard the *Io hymen* beginning to resound, and saw the beauteous Hippodamia, about as beauteous I suppose as California, come "glittering like a star," and take her stand

on his left hand. It was a happy moment for Pirithous! and in the fulness of his feelings he might have given vent to his joy in congratulations to all the company present, to all the lapithae and to all the centaurs, to all mankind, and to all horsekind, on the auspicious event. But, oh! the deceitfulness of human felicity! In an instant the scene was changed! the feast a fight—the wedding festival a mortal combat—the table itself supplying the implements of war!

> At first a medley flight
> Of bowls and jars supply the fight;
> Once implements of feasts, but now of fate.

You know how it ended. The fight broke up the feast. The wedding was postponed. And so may it be with this attempted conjunction of California with the many ill-suited spouses which the Committee of Thirteen have provided for her.

Mr. President, it is time to be done with this comedy of errors. California is suffering for want of admission. New Mexico is suffering for want of protection. The public business is suffering for want of attention. The character of Congress is suffering for want of progress in business. It is time to put an end to so many evils; and I have made the motion intended to terminate them, by moving the indefinite postponement of this unmanageable mass of incongruous bills, each an impediment to the other, that they may be taken up one by one, in their proper order, to receive the decision which their respective merits require.