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TOWANDA:

Saturday Morning, June 28, 1850.

REMARKS OF THOS. H. BENTON,

Delivered in the United States Senate, on Monday, June 10, 1850,

ON THE COMPROMISE BILL.

Mr. BENTON addressed the President, and said: I make the motion that supersedes all other motions, and which, itself, can only be superseded by a motion still more stringent—the motion to lie on the table.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 the 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 voting amendments. I have waited a month for larger amendments to be voted upon, and now think it my duty to proceed with my motion, with a view to proceed with the bills singly, if this bill, which is one, shall be put out of the way. It is composed of twenty-nine sections—forty save one—an odd number; and which, with the two little bills to attend, is called a compromise, and is offered to us as a remedy for the national calamities.

After all this labor of the committee, and all this speech, I proceed upon the assumption that the people of the United States are in a miserable, distressed condition: that it is their mission to relieve national distress, and that these bills are the proper 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 the remedy. I do not believe in any such national distraction, and distress, and suffering of the people. On the contrary, I believe the people very quiet at home, attending to their business, each of them as do not mean to feed out of the public crib, and that they would be perfectly quiet if the politicians would only permit them to be so. I know of no distress in the country, no want in any state, no distraction, none of those five thousand evils of which the Senator from Kentucky made enumeration on the five fingers of his hand, and for the healing of which, all together, and all at once, and not one at a time, like the pills of Taylor, he has provided this capricious medicine in the shape of five old bills tacked together.

Nothing of all this, 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 currency. Since that time I have heard of no general business distress, no rotten currency, no depreciated exchanges, no decline of public stocks, no laborers begging employment, no produce rotting in the hands of the farmer, no property sacrificed at forced sales, no loss of confidence, no six per cent. a month interest, no call for a bank. Never were the people—the business—and the working people—as well off as they are today. As for political distress, "*it is all my eye*." It is all among the politicians. Never were political blessings of the country greater than we enjoy civil and religious liberty eminently secured, 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 quietness reigning through the land. This is the condition of the country—happy in the extreme; and I see with amazement to the recitals which I have heard on this floor of strife and contention, of rankling wounds, and streaming blood, distress and misery. I feel mystified.

The Senator from Kentucky, (Mr. Clay) chairman of the committee, and reporter of the bill, and its zealous advocate, formerly delivered us many harangues about the times that the tariff was to be repealed, the National Bank charter to be renewed, the deposites to be restored, or a bankrupt act to be passed. He has been absent for some years; and on coming among us, seems to begin where he left off. He treats us to the old dish of distress; but 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 interest in their country's distress. It is all a mistake. It is a mistake. It looks to me like a joke—when I recollect the imposing number of the committee, and how "distinguished" they all were, who, in the early ages of the custom, led him into the desert, and turned him loose to the; 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 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 scape-goat in ancient Jerusalem; an innocent and helpless animal, loaded with sins which were not his own, and made to die for offences which he never had 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. Fuel, 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 recommended to the Senate the establishment of those Territorial Governments; and, in order more certainly to secure that desirable object, they also recommended 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 trying 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 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, and 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—the weakest and sickest of California, and 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 fall far short of the merit of giving preference where it was war due—to the superior object—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—*in futuro*, 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. 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 speedily, 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 every one 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 that 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 blame again? I do not ask these questions of the Senator from Kentucky. It might be 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. Not 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 reason why he has incurred an outrage, has postponed my sale 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 quietus! withdraw a motion, and let a *nolle de sonu* be issued.

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 issue with me, and failed to maintain his side of it. True, he made a show of maintaining it, entirely 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 grading 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 who is Shakspeare measures by the quantity, and qualities as barren. Sir, if the Senator from Kentucky had only read us Dr. Franklin's story of John Thompson and his hat—or, 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 name, 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 indecent 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 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 vote themselves for an honest measure, on a bill by itself, although the committee cannot trust them! But suppose, I say, it is a government of the government which the committee propose to secure by coercion! It is a government, such as the 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? 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 complied in this unfortunate compound government bill 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 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 bill compounded? Vote for all—and call it a compromise! as it calls, duty, constitutional obligations, 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. Thus, then, is what they propose for her:

As to 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 tranquility 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 tranquility 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 the confederacy! This is to be her compensation—felicity and glory! Prospective felicity, and contingent glory—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 compensations! 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 visions of contributing to the tranquility 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 adjustment of compromises which breed new quarrels in attempting to settle old ones.

With these five reasons for tacking Utah and New Mexico to California, the committee proceed to pile a sixth 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, thrown 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 protection of which, it is late 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 establishing 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, without fixing the limits of that territory, would leave the work imperfect and incomplete, and might expose New Mexico to serious controversy, if not collision, with the state of Texas. And more, if not all, the considerations which induce us to think 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, a severe 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 adroit and valuable labors of the Committee on Territories, report a bill herewith annexed, (marked A) embracing those three measures, the passage of which, joining 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, seized of her, and holding on to 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 reasonings of the committee falls to the ground. For the judicial power of the United States extends to all controversies in which the United States are a 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 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 induced to their essence; they argue thus: Utah must go in because she bears upon California; New Mexico must go in because she bears upon Utah; and Texas must go in because she bears 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 navigation: It substitutes contiguity 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 energized; 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 fugitives 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 to 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.

In the first place, the Texas bill is a compact, depending for its validity on the consent of Texas, and is put in to the California bill as a part of a compromise and general settlement of all 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 any other state; and, moreover, 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—no one relating 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, of leaving to each its actual possessions, disturbing no rights 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, raising the question which the committee professes to avoid—the question of extending slavery—and 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, and not before, the decision of the title.

I avoid all argument about right—the eventual right of Texas to any other part of what was New Mexico before the existence of Texas. I avoid that question. Amicable settlement of contested claims, and not adjudication of title, is now my object. I need no argument from any quarter to satisfy me that the Texas case is enough 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 a benefit 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 Texas, and, therefore, am in favor of leaving in each all its population, and an ample amount of compact and homogeneous territory. With this view all my bills and plans for a dividing 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—They gave a longitudinal line between them: and the longitude 100 degrees in my bill in 1844, and 102 degrees in my bill of 1850—and both upon the same principle of leaving possession intact, Texas having extensive 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 degrees. 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 seventy thousand 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 *taking* 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 of 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 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 1565. 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 seventy thousand 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.

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, 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. I, Paris edition of the Essay, he says:

"J'ai trace les limites de Coahuila et de Texas, prenant l'embouchure du Rio Puerco, et vers les sources du Rio de San Saba, telles que je les ai trouvées indiquées dans les cartes speciales conservées dans les archieves de la viceroyauté, et dressées par des ingenieurs au service du roi d'Espagne."

In ENGLISH:—"I have traced the limits of Coahuila and of Texas near the mouth 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 vice-royalty, 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, 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 engineers in the service of the king of Spain, and preserved in the archieves of the Viceroyalty in the city of Mexico. Farther than that he does not trace it, 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.—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 103 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 256 miles. Santa Fe is the capital, and is 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 do Louisiana—all shows he carried the eastern boundary, after leaving the Del Norte, as far northward 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, much addicted to geographical study. He had explored the head-waters of the Mississippi and the Arkansas, and then traversed New Mexico and the contiguous province 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 province of New Spain.

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 consequences 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 effected by that proposed line.

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 of power, but with the question of possession only—and how far the

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