THE STAR AND BANNER.

BY D. A. & C. H. BUEHLER. "FEARLESS AND FREE." TWO DOLLARS PER ANNUM.

VOL. XXI—26. GETTYSBURG, PA., FRIDAY EVENING, AUGUST 30, 1850. NEW SERIES—NO. 185.

For the "Star & Banner."

TO "EHEU."

Dare I believe those silver tones
That fell upon my list'ning ear,
So fraught with harmony, each one
Has left a brooding glory here?
Pleased, yet bewildered with the sound
Of such sweet, welcome notes as these,
I deem some cherub sprite has bound
My willing heart in chains of bliss.
Full many a bright and happy thought,
Since then has cluster'd round my way;
And beauties, all in glory wrought,
Have cheer'd my vision all the day.
But ah! this foolish heart of mine
Will sometimes whisper, "that the pen
May trace fond lines, o'er such as thine,
Nor feel the touch of passion then."
And then it speaks of "love confess'd
Before the gaze of vulgar eyes;"
And tells me this is but a jest,
Twell forth simple maiden's sighs.
"I love!" Ah, what a world of bliss
Lies hid beneath this simple line!
"I love!" How soon do words like this
Around a maiden's heart entwine!
Now dare I hope the true heart spoke
In every line,—or is it true,
That every verse, a cruel joke,
Was meant to grieve my soul.—*Eheu!*

Aug. 26, 1850. LOU.

SPEECH OF MR. COOPER, ON THE COMPROMISE BILL.

In Senate, Saturday, June 29, 1850.

The Senate having under consideration the bill for the admission of California as a State into the Union, to establish Territorial Governments for Utah and New Mexico, and making proposals to Texas for the establishment of her western and northern boundaries—

Mr. Cooper said: In the present state of my health, and under different circumstances, I would have preferred to remain silent, and have contented myself with a simple vote upon the important and deeply absorbing questions now pending in the Senate. Having no expectation, and not even entertaining a hope, of being able to shed any new light upon these questions, I would gladly have persevered in the silence which I have observed from the beginning of the discussion. It is no grateful task to speak on a subject exhausted of all its novelty; and duty, and not inclination, prompts me to do it. Worn out as the subject is, wearisome as it has become, I can scarcely hope for the attention of the Senate whilst I endeavor to present the reasons which will govern me in voting for the bill. But as I deem it due, both to my constituents and myself, that my reasons for doing so should be known, I must beg the indulgence of the Senate whilst I endeavor to present them; and I shall strive to show my appreciation of its indulgence by occupying as little of its time as will suffice for the purpose. From information derived from various sources, I am satisfied that a great misapprehension prevails in this country in relation to the character of this measure, and that pains have been taken to increase such misapprehension, and to insure, in advance, the condemnation of every member of Congress who shall dare to give it his support. Men, Northern men, who supported the Clayton compromise, or who were at least silent as to its effects, denounce this measure as iniquitous, and as involving an abandonment of every principle dear to Northern freemen. To support this measure is "treason;" treason to the President, who has proposed a plan of adjustment different from this; and treason to the cause of human freedom, for which the pains and penalties of outlawry, if not political death, are denounced. Especially is this the case in relation to every Whig. What punishment is reserved for Democratic "traitors" I do not know; probably their continued exclusion from office, its emoluments and honors—a grievous infliction in the estimation of those who have constituted themselves judges in this matter. The loss of popular favor seems to be regarded, by the class of men to whom I have just referred, as the direst of all calamities that can befall a public man.—Conscience violated, sacred duties neglected, self-respect immolated at the shrine of base ambition, might be by such esteemed sacrifices; but they would be regarded as trivial in comparison with the loss of popularity.

Mr. President, I do not despise public favor. I am as sensible to it as others; and, like others, I have sought the distinction which it confers. But, in doing this, I have not abdicated my own judgment, my own self-respect, or the right to think and act according to their dictates. To surrender these would be to surrender all, every thing that makes public life desirable, or the public service useful and respectable. I am not so constituted as to be able to do this. On a subject of great concern to the country, I cannot help but think; and thinking, my mind voluntarily decides, and, according to its decision, I cannot act if I act at all. It is a necessity of my moral constitution to do so. But, sir, I repeat that I do not pretend to be insensible to public favor. On the contrary, I prize as highly as any one the esteem and confidence of my constituents. Yet if the performance of what I regard to be a duty to the country should involve the loss of their favor, which I have had the good fortune to enjoy, I can only express my submission to the deprivation, and say, in the language of Horace—

"Laudo manentem; si celeres quatit
Pennas, relinquo quem dedit."

But, Mr. President, I am sure that the support of this measure will involve no such sacrifice. The people of Pennsylvania, whom I partly represent upon this floor, are deeply, devotedly, cordially attached to the Union, and anxious for the restoration of harmony amongst all its members; and whilst they love the Union for itself and for the glorious future which it promises, they will not be forgetful that their own interests and the interests of their children are bound up in its preservation, and in examining this measure, as they will examine it, in connection with other that have been proposed, before passing judgment upon it, they will find that though in every respect it may not be what they could have most wished, it is, nevertheless, the best which was practicable under the circumstances. The adoption of this measure involves no violation of national faith; the neglect of no duty which we are bound to perform; and when it is properly understood, it will be regarded as more satisfactory to the people of the free States than the plan which has come to be looked upon, but without reason, as its antagonist. I refer to the plan of the President of the United States.

[Mr. Cooper here entered upon a somewhat detailed and able reply to the argument of Mr. Davis, of Massachusetts, in opposition to the Bill, which for want of room we omit—after which he gave way to a motion for adjournment. On the Monday following, the Senate having resumed the consideration of the same subject, Mr. Cooper, proceeded to discuss the merits of the Bill itself.]

Mr. Cooper continued: Mr. President, the proposition which I shall endeavor to establish is, that the plan of adjustment embraced in the bill now under consideration, and in two other bills which form its complement, is not only necessary, but much more conformable, when properly understood, to the views, feelings, and interests of the people of the free States, than that of the President. What are the provisions of the plan of adjustment embraced in bill now before us and in the two lying upon our table? The first is for the admission of California into the Union, on the terms and with the boundaries prescribed in her constitution; the second, for the establishment of civil governments in the Territories of New Mexico and Utah; and the third, for the settlement of the boundaries of Texas. These three provisions are contained in one bill. The fourth provision, contained in a bill by itself, is for the recapture of fugitive slaves; and the fifth, likewise in a bill by itself, is for the abolition of the slave trade in the District of Columbia.

Against the admission of California into the Union, various objections have been urged. It is alleged that, in the formation of her constitution, she acted without the authority of Congress, and therefore irregularly; that the extent of territory embraced in the boundaries prescribed for herself is entirely too great, and out of proportion with the other States; and that this is especially the case in regard to her sea coast, embracing some eight or nine hundred miles on the Pacific. In these objections there are some force; but it will be greatly diminished by a careful examination of the geography of the country, its formation, the character and course of its rivers, and its exterior boundaries. It is not my purpose to advert particularly to the objections founded upon her size and the extent of her sea coast. These objections have been met and answered, as fully as they are susceptible of answer, by several Senators, during the course of the discussion. The Senator from Massachusetts (Mr. Webster) and the Senator from Maine (Mr. Hamlin) said all that could be said on this branch of the subject. But as to the irregularity of which she has been guilty in framing a constitution, and applying for admission into the Union as a State, without previous authority from Congress, I desire to say a word. That is there some irregularity in the course which she has pursued, no one will attempt to deny. But, in pronouncing upon such irregularity, regard must be had to her condition, and our own neglect of of it. That condition was most peculiar. Torn from her connexion with Mexico, of which she had been a province, civil society, as we are informed, was almost disorganized and broken up. Actual political government there was none in California; and, although her municipal laws and regulations continued to exist, there was no power to enforce obedience to them, in the extraordinary state of things which then prevailed. The discovery of gold, in quantities larger than had ever been known in the previous history of the world, attracted men from all nations to this modern El Dorado; and the consequence was confusion, violence, and disorder. The very abundance of this precious metal, though equal to the supply of all, stimulated cupidity in a degree of fierceness which want, however absolute, could not have inspired. A stranger spectacle than California exhibited was probably never seen before.—Wealth and want, poverty and luxury, profusion and destitution, strangely combined with unbridled license, and a feeling of the necessity of order, and the restraints of law, formed the characteristics of a society composed of the people of many nations, dissimilar in manners, customs, habits, and language. Thousands of our own countrymen had gone thither, in obedience to the impulse which carries them wherever gain is to be realized or hoped for. But they had carried with them, along with the Anglo Saxon energy and a spirit of enterprise, a love for order and the security of law. They had seen and felt the workings of our institutions on the Atlantic side of the Rocky Mountains, and had not forgotten to appreciate them in their new homes on the shores of the Pacific. Congress had neglected to provide a government for the country, as it was bound to do by the stipulations of the treaty of Gaudalupe Hidalgo. Under such circumstances, who can justly blame them for doing for themselves what Congress was bound to do for them, but had neglected? Anarchy reigned supreme. There was no security for life or the fruits of industry. Might was right. A remedy for this state of things was necessary; and they applied that one which was most natural and efficacious. They established a State government, framed on the model of the other States of the Union. And allow me to ask, what was there criminal or even objectionable in this? It must be borne in mind, not only that their condition called loudly upon them to do what they have done, but also that they were invited to do it by the President of the United States.

When all the circumstances of their condition are considered, the lawless confusion which prevailed, their right to a government by the provisions of the treaty, and the suggestion of the President that they should form one, just and candid men will hardly pronounce their conduct blameable. On the contrary, I think, most men will find in it much more to applaud than condemn.

The right of communities who find themselves in a state of anarchy to establish governments for their protection, and for the maintenance of law and order, I will not discuss now, further than to say, that it is a right generally conceded, and that in the circumstances in which California was placed, there was nothing to detract from it. On the other hand, in my judgment, there was much to render the exercise of it imperative on her people.—As to the irregularity of her course in forming a government without the previous authority of Congress, in addition to the necessity of the case, she can plead the precedent of a number of the States in whose condition there was much less to justify irregularity than in hers. But, besides this, in matters of great national concernment, objections purely formal and technical in their character, ought not to be permitted to outweigh the welfare of large communities.

But, Mr. President, if there were in the condition and circumstances of California, at the time she formed her State government, reasons to justify her in the act, the same reasons, with others superadded, appeal to us now in favor of her prompt admission into the Union. Her cities have become the seats of large and growing commerce; and already disputes have arisen between the Government collector and officers of the local authorities. The public domain within her limits requires regulation; and the people need the protection of law to secure them in the full enjoyment of their rights. It is true they have formed a State government, and established tribunals for the dispensation of justice between man and man; but until that government has been recognised by Congress, it will not command fully the respect of the people, nor afford them perfect security in the enjoyment of their rights of person and property. But recognise it, give to it the sanction of Congress, admit the State into the Union, and it will give force and efficiency to the government, and ensure for it the respect, confidence, and obedience of the people. Our countrymen who have gone thither have carried with them to that remote quarter of the globe the same love for law, order, and security, which animates our people at home; and they feel as deeply as the latter the necessity for good, stable, recognised, lawful government. Hitherto, without participating in the benefits of Government, they have been required to bear a portion of its burdens—the only mark of recognition they have received at our hands. Why should we refuse them the benefits of government? They are our kindred; and by our aid promise to become the pioneers of a civilization which the far off shores of the Pacific will not limit. It will pass into Asia; and by renovating her, pay back to the east the debt due to it by the West for the rudiments of a civilization which, mingling with European energy, has done so much to elevate and dignify the political, social, and moral condition of the human race.

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But, Mr. President, there are Senators who refuse to vote for this bill, because slavery has not been excluded from the Territories of New Mexico and Utah in advance. I sympathize with these Senators, and voted with them to apply the Wilmot Provisio to the Territories. In their judgment and patriotism I have the fullest confidence; but, as it is out of our power to apply the proviso, I feel bound to do that which is most likely to effect the same object, namely, to admit California, and establish governments in the Territories to enforce the laws now in existence in them. I am ready to vote for the admission of California, in every shape in which the question of her admission may be presented; but I entertain the most serious fears that if the bill now under consideration should fail, she will not be admitted at the present session. I hope I may be wrong; but I am for taking the safe course, and admitting her while it is in our power. I am anxious for her admission, not only because it is due to her condition and our own pledges that she should be admitted, but I am likewise anxious for it as a Northern man, because she will come into the Union as a free State, adding to the power of the free States in both branches of Congress. California once admitted, and there is a preponderance of free States in this body, and the ability, if they be true to themselves, to prevent the further acquisition of slave territory, or the extension of slavery beyond its guaranteed limits. Is there any doubt of the sentiments of the people of California in relation to slavery? Look at the act of her convention, excluding it, an act the more significant of the state of feeling there on this subject, when it is remembered that a majority of that body were Southern men; yet being so, by the force of public sentiment, were compelled in deference to it, to exclude slavery by a unanimous vote. There are, however, notwithstanding this, Northern Senators who would permit California, a free State, to stand at our doors a suppliant for admission, because they cannot admit her alone, or exclude slavery in advance from the Territories of New Mexico and Utah. Such conduct, in my judgment, is no wiser than that of the general who, on the eve of battle, facing his enemy with equal forces, would decline to receive a reinforcement of one regiment, because there were two others not permitted to join him. As a Northern man, I repeat, that I am for receiving into the Union free States as our Southern friends receive slave States, whenever they present themselves in a proper manner. I would have been glad to see California admitted, and the Wilmot proviso applied to the Territories, but, having failed in the latter, I am for securing the former. In matters affecting us personally, where we cannot obtain all we ask, it may be well enough to refuse to take any thing; but in matters of legislation, the loss of one favorite measure will not justify us in surrendering others still more important. While, therefore, I should be willing to take all, not being able to obtain it, I will take what I can get.—This is a simple principle of action which I think the people will understand; but I doubt if they will be able to understand the principle upon which those members act, who, professing to be anxious for their interests, refuse to take anything because they cannot get all. The people of this country, of the free States especially, are practical people, who will understand that the admission of California is a practical fact, and that it will add one to the number of free States, securing to them forever the preponderance in this body.—On the other hand, while they would doubtless be glad to see the Wilmot proviso applied to the Territories, and slavery thus expressly excluded, they will hope for the same effect from the Mexican laws now existing in them, and from other circumstances, rendering it unlikely that slavery will be ever carried thither. At any rate, speaking for my own constituents only, I am sure that they will never consent that California, a free State, shall be kept out of the Union, when keeping her out will not help to bring in New Mexico and Utah as free members of the Confederacy.

The second provision made by this bill, Mr. President, is for the establishment of governments for the Territories of New Mexico and Utah. The plan of the President recommends non-action, or, in other words, that these Territories shall depend for the security and preservation of domestic order, on their own municipal laws and the military governments that have been established in them. Such is his suggestion, as far at least as New Mexico is concerned. I need not say, after the votes I have given, that I do not regard the scheme of adjustment, proposed by the committee in relation to the Territories, as the best or most comfortable to the wishes of my constituents, and the spirit of the age in which we live, that could be devised. But I think it is the best that was practicable under the circumstances. In this age of real progress, in the very noon of the nineteenth century, when the fire of liberty first kindled upon on our shores is blazing there, and flashing its rays across the broad Atlantic, enlightening the darkness of other lands, and guiding oppressed humanity on the road to freedom, I had hoped that there would be no objection on the part of the representatives of American freemen to declare that that territory which was free when we acquired it should remain free forever. I desired that the world, if it should assert we had waged a war of conquest against Mexico, and had despoiled her of her territories, should be compelled to admit at the same time, that we had conferred on them the blessings of good government, free institutions and a higher civilization. I therefore voted for the Wilmot Proviso. It is indeed, true that I believed slavery was abolished in Mexico previously to the treaty of peace; and I believe it remains abolished in the territories aquired by that treaty to the present day. I believed, also, with the distinguished Senator from Massachusetts (Mr. Webster,) that it was altogether improbable that slaves would ever be carried from the Atlantic States, or the States in the valley of the Mississippi, where slave labor is productive, slave property secure, the soil fertile, and markets convenient, to Territories comparatively barren and difficult of access; and where, according to a majority of opinions, the laws tolerating slavery have been abolished, and remain abolished. It is on the side of Texas, and through her exertions and influence, that slavery will obtain a foothold in these Territories, if it obtain such foothold at all.—But as some Senators, as well as other persons, were of opinion that slavery still continued to exist in Mexico, or at least in the Territories acquired from her, I thought it would be wise and proper, in view of this conflict of opinion, to settle the doubt to which it gave rise by express enactment. As every citizen of the United States had an interest in the question, I felt that it was the duty of Congress to resolve it, when it presented itself immediately in the course of legislation. Legislators generally regard it to be their duty to pass declaratory statutes to remove doubts that exist; and it was to do this that I voted for the Wilmot Proviso. And I should have done so, even if I had believed the law of nature sufficiently ordained slavery in these Territories. In this respect I differed from my honorable friend from Massachusetts, (Mr. Webster,) who declared in substance, in his great speech delivered in this body in March last, that it was useless and unwise to reenact the will of God, which had interdicted slavery in these Territories by the most irrepealable of laws—the law of nature and the formation of the earth. I did not think so. I believed then, and believe now, that it sometimes both wise and useful to re-enact even His laws, and add to them, in order to enforce them human sanctions. For these reasons I voted for the proviso. I thought they were sufficient to justify me in doing so; but others, and a majority, thought differently, and to the will of the majority I submit.—The honorable Senator, to whom I have just referred, seemed to think that, under the circumstances, to vote for the proviso conveyed some taunt or indignation to the South. But I desire to say that it was with no disposition to wound the South, to taunt her, or to offer her an indignity, or to do her a wrong, that I voted for the proviso. I voted for it because I thought it was right that territory which was free when it became ours should remain free. I had no disposition to do her wrong—to do wrong to any section, or the people of any section. I love the Union, the whole Union. The country, every part of it, between the two great oceans which lave its eastern and western shores, and from the farthest north to the remotest south, is my country—all of it, every foot of it.—I love it all; am proud of it all; and rejoice in the prosperity and happiness of it all. I love my own State the best. That which is nearest to us is the dearest. It is so by the law of our natures. Our own State, our own county, our own home and those who cluster about our own hearths, are dearer, as they are the nearer. But they are all parts of one whole, and loving them we can hardly fail to love it. I therefore repeat, that I would willingly do no wrong to the South, or any other portion of the country.

But, Mr. President, I regard the establishment of civil governments in the Territories as not only necessary, but the best possible security, next to the proviso, against the introduction of slavery. I shall therefore, go for the establishment of such governments as the bill now under consideration provides. I am opposed to the non-action policy for several reasons, though, as I have before stated, I would have been willing at one time, out of deference to the recommendation of the President, to support it; and the disposition to do so continued whilst I believed "that the property, lives, liberties, and religion of the people of New Mexico were better protected than they ever were before the treaty of cession," as was the opinion of the President at the time his message was communicated to Congress. This policy, however, never commended itself to me by its own merits. It was one which was every where denounced in Pennsylvania by the Whig party during the Presidential canvass. It was alleged to be the policy of our political opponents, and was repudiated and condemned by the supporters of General Taylor. But recent developments exhibit the objections to it in a new and more striking light.

Mr. Cooper next proceeded to argue the necessity of prompt and decisive action on the part of Congress, in view of the acknowledged determination of Texas to enforce her claim to a large portion of the territory of New Mexico, and thus extend the institution of Slavery to territory now free. Extracts from the proclamations of the Texan authorities were read in support of this position, showing the great danger either of this policy being carried out, or of a fearful collision between the military authorities of Texas and the Union—a result to be deprecated by every good and true patriot, and one which Mr. Cooper Mr. Cooper was anxious to avoid even at the sacrifice of what, under other circumstances, he would be reluctant to yield.—I do not arrange—[illegible]

One other thing, I think, is manifest, which ought to influence the votes of Northern Senators at least, in favor of the bill now under consideration. The confusion, disorder, and lawlessness which now prevail in the Territory, afford the only chance, in my judgment, for the introduction of slavery into it. Advantage may be taken of this condition of things to entail upon the people an institution totally repugnant to their wishes and feelings, if the testimony of their delegate is to be relied on. I have already referred to the stipulation in the treaty of peace between the United States and Mexico, which requires that the people of the Territories shall be admitted as soon as possible to the enjoyment of all the rights of American citizens. But, independently of the obligation imposed on us by the treaty to afford them the benefits and blessings of civil government, we are bound to do it By the ordinary duties incumbent upon us as the representatives of all the people of the republic. It is our duty to give them civil government, in order that laws for their protection may be enacted, and security afforded to them in all the diversified relations of life; and failing to do this, we fail in the performance of our most imperative duties as legislators. It is not enough that a military government, the most imperfect and from the nature the most arbitrary and tyrannical of all governments, has been given to them. They are not satisfied with this. It has furnished them no protection. Their sons, they allege, have been murdered by the Indians, and women and children carried into captivity while at the same time they complain that they are, through its instrumentality, to be subjected to the domination of Texas and the infliction of slavery. Why, then, shall we continue to withhold from them the advantages of civil government, and the great republican American prerogative of legislating for their own security, and their own advantage? If these Territories be free, as it is asserted, and as most Northern men believe, why not put it into their own power, by giving them governments, to remain so, if it be their wish?—Whether they are free or not, is a question which I propose briefly to discuss.

I presume no Northern Senator doubts that slavery was abolished in Mexico previously to the late war with that country, and that it remains abolished in the territories ceded to the United States at this time. I know that while some Southern Senators concur in this view of the question, that there are others, and probably a majority, who dissent from it. I propose very briefly to examine this question; not that any great necessity exists for it here, after the very able arguments we have heard, but chiefly for the sake of presenting the whole subject in a connected view to my own constituents.

On the 15th day of September, 1829, by a decree of Guerrero, at that time dictator of the Republic, by authority of an act of the Mexican Congress of a previous date, slavery was expressly and most emphatically abolished in all the territories of Mexico. The act of abolition was to operate presently, to take effect upon that very day. It is true it contained a provision for indemnity, to the owners of the slaves; but the efficacy of the act was not dependent upon the payment of the indemnity or any other contingency. It was perfect in itself. The operative words were, "*slavery is abolished in the Republic. Those who until to-day have been considered slaves are consequently free.*"

It has been objected to the validity of this decree, by the honorable Senator from Georgia, (Mr. Berrien,) that the Mexican Congress had no power under the Constitution of the Republic to clothe Guerrero with absolute power, or power to free the slaves. But the power of the Mexican Congress to do this was in my judgment most conclusively maintained by the Senator from Wisconsin, (Mr. Walker,) by reference to the history of the Mexican government and its political antecedents. But suppose it did not possess the power and that Guerrero is to be regarded as a pure usurper. What follows then? That the acts of his government were invalid, and cease to bind from the period of his deposition or overthrow? Not at all.—The acts of a ruler *de facto*, or of a government *de facto*, are as binding on the successor as though they were the acts of a ruler or government *de jure*. This is the law of England and the civilized nations every where. In England and in France this law has always been recognised; and both counties furnish many instances in which it has been acted upon. In England, during the fluctuating fortunes of the rival houses of York and Lancaster, this doctrine was constantly acted upon, notwithstanding the lawlessness of the times and the unquenchable animosity of the rival factions towards each other. After the civil wars, and subsequent to the restoration of the Stuarts, the doctrine was again exemplified. Not only the monarchy, but likewise its constitution, had been overthrown by Cromwell; yet, after the restoration, not only were his acts recognised, but the decisions of his judges continued to be quoted in the courts, as authority, to the present day. A contrary doctrine would upturn and destroy civil society.

But the decree of Guerrero needs no authority drawn from other sources to sustain it. It is recognised, affirmed, and in effect continued by an act of the Mexican Congress, passed the 5th day of April, 1837. This act declares "*that slavery is abolished without exception in the whole Republic;*" and it then provides that the owners of slaves manumitted by the decree of the 15th of September, 1829, (the decree of Guerrero) shall be indemified for their value. This settles the question, and indeed the eloquent Senator from Louisiana (Mr. Soule) admitted in his very able speech, that slavery was abolished, and does not now exist in Mexico.—If this been contended, however, by the honorable Senator, as well as others, that notwithstanding this, slavery exists legally in the territories ceded by Mexio, now that they have become a part of this Republic. With due deference to him and to them, I think the whole question was yielded when it was admitted that slavery had been abolished in Mexico previously to the peace by which the territories were acquired. If such admission be not a surrender of the whole question, then two propositions must be established: first, that slavery in the U. States is not merely a civil relation, tolerated in certain localities, but the law of the constitution—a fundamental, active, essential principle of it; and, second, that the laws of a State, municipal as well as political, are *proprio vigore*, by their own force, carried into and made to prevail in its territorial acquisitions. I deny both of the propositions totally. The first will hardly find an advocate here or anywhere. No one will contend, I presume, that it was any part of the design of the constitution to establish slavery any where. It only tolerated it as a local relation, or institution, existing in some of the States, and as such gave it protection. There is not a word or syllable in the constitution which would serve as the basis of an argument that slavery is a national institution, and as such to be protected, enforced, or propagated. The second proposition is more plausible than the first, but not less unsound. I shall examine it briefly.

This proposition is, that when one State is subjugated by another, or becomes incorporated with it, the laws of the former are *eo instanti* supplanted by the laws of the latter, and cease to exist. It is not denied, Mr. President, that the political laws of a territory, conquered or otherwise acquired by another State or nation, cease to exist from the moment the acquisition is complete, whenever they are in conflict with, or in their scope or spirit repugnant to, the laws of the latter. But this is not the case with the civil or municipal laws. It is admitted by all the authorities that these remain in force until expressly abrogated by the law-making power of the conquering or acquiring nation.—This was admitted by the honorable Senator from Georgia, (Mr. Berrien,) in the ingenious and learned argument which he addressed to the Senate some three or months since. This being admitted, the only question which remains to be decided is, whether slavery is to be classed amongst the public and political laws which constitute the form of government, and direct the manner in which the public authority is to be exercised, or amongst the civil and municipal laws, which regulate the rights and conduct of individuals amongst themselves.

Vattel declares, that "the laws made directly with a view to the public welfare are political laws; and in this class those that concern the body itself and being of society—the form of government—the manner in which the public authority is to be exerted—those, in a word, which together form the constitution of the State, are the fundamental laws." "The civil laws," he continues, "are those which regulate the rights and conduct of individuals amongst themselves." Thus, it appears, that the political laws of a State are those which form the body and being of society, the system of government, and the manner in which the public authority is exerted; in other words, the laws which form the constitution are political laws. I have already attempted to show that slavery although recognised by the constitution, was not established by it, and does not exist by virtue of it; that it is no fundamental, essential part or principle of it, which it is necessary to maintain in order to its existence or efficacy. Blot slavery from the system if you please, and yet the constitution will be unimpaired, and all its efficacy will remain. You have, by doing so, withdrawn, it is true, an object from its protection, but you have done nothing more. Slavery, instead of being an essential part or principle of the constitution, which it is necessary to maintain in order to preserve its integrity and efficacy is, on the contrary, a condition, a mere local condition, repugnant to its general design of "establishing justice and securing the blessings of liberty," which it tolerates, but does not enjoin.—This being so, does it fall far short of involving an absurdity, to assert that the constitution, which established slavery nowhere, and which only tolerates it where it is, should nevertheless carry slavery with it as an inseperable companion where ever it goes? The Constitution does not enjoin slavery any where. The States in which it exists may abolish it to-morrow, and the constitution suffer no violation or detriment therefrom. But, though it does not enjoin slavery, though slavery may be abolished without violating it in every State in the Union, yet, by some inconceivable process, it is regarded by some as an instrument for the propagation and extension of slavery. But, sir, it never can be true that the constitution, by its own force, devotes to slavery every foot of soil to which it is extended.

If repeated adjudications can settle a question, this one has been settled abundantly. North and South, in the State Courts and in the Supreme Court of the United States, wherever the question has arisen, it has been decided that slavery exists by virtue of municipal laws alone; and that the municipal laws of a State remain in force, though the State should pass under the dominion of another, and its sovereignty become extinct. Slavery having been abolished in Mexico, and the municipal laws of such of its territories as were ceded to the United States remaining in force, it follows that slavery cannot exist in them.

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I have thus, Mr. President, endeavored to show that we are enjoyed by the stipulations of the treaty, as well as by the ordinary duty incumbent on us as enlightened legislators, to afford governments to the territories acquired from Mexico; and that this duty becomes the more imperative, in view of the confusion and disorder which prevail, and the great anxiety of the people for the establishment of territorial governments. I have also endeavored to show—and so far, at least, I think I have been successful, that slavery has little chance to find a foothold in them, unless the non-action policy be adopted. If it be, in the confusion and lawlessness which prevail, Texas may swallow up New Mexico, and plant slavery upon the soil of the territories. In this, in my judgment, consists the only danger. But give to them the benefits of of government, with courts to enforce the existing laws, and, my word for it, the withering influence of slavery will never reach them. I have no apprehension that it will ever be carried thither from the old States on the Atlantic, or the newer ones on the Mississippi. It would be an act very little short of absolute madness in the people of any of these States to carry their slaves across lands as fertile as the sun shines upon, perfectly adapted to slave labor and slave products, and convenient to good markets, in order to reach the almost inaccessible and barren regions of New Mexico and Utah. Sir, if not an act of madness to do so, it would be one of the extremest folly. In the great fertile valley of the Mississippi are millions of acres of land which the foot of industry has never trod, and the hand of cultivation never touched, waiting to be rendered fruitful.—These lands are adapted to the growth of sugar, cotton, and tobacco, and lie within the limits of slave States, where the institution is both popular and secure. Is it likely, then, that masters would carry their slaves to a country which is barren in the main, and where it is more than likely they would become free the moment they set their feet upon its soil?—There is one other fact which seems to me conclusive against slavery ever reaching New Mexico and Utah from the Atlantic and Mississippi States. It is the price of labor. In these last mentioned States the labor of a slave is worth from $125 to $150 a year. In New Mexico labor can be employed at the rate of from $40 to 50 a year. I repeat, therefore, give governments to the Territories, with tribunals to execute the laws, and, though we failed in applying the Proviso, we shall succeed in excluding slavery.

The next provision of the bill is for the settlement of the Northern boundary of Texas. The bill provides that this boundary shall be a line "beginning at the point on the Rio del Norte, commonly called El Paso, and running up that river twenty miles, measured by a straight line thereon, and thence eastwardly to a point where the hundreth degree of west longitude crosses Red river, being the South west angle in the line designated between the United States and Mexico, and the same angle in the line of the territory set apart for the Indians by the United States." It also provides that in consideration of the cession to the U. States by Texas of the territory lying north of the proposed line, and now claimed by her, she shall receive a certain sum of money to be appropriated to the payment of that portion of the debt of Texas for which her revenues were pledged privviously to annexation, and after the payment of such portion of the debt, the balance, if any, to be applied to such objects as Texas herself may think proper.

I presume no one will deny the importance of settling the disputed boundary between Texas and New Mexico. I have already shown that there is great danger of a collision between the adverse parties. A state of fearful exasperation against Texas, on the part of the people of the Territory, exists; and that exasperation is becoming more embittered every day by the encroachments of Texas. As I had previously stated in the course of these remarks, Texas is engaged in establishing her jurisdiction over a large portion of New Mexico, which never was subjugated by her arms nor subject to her laws. A commissioner, appointed by Texas is now at work organising counties and extending her jurisdiction, and every thing indicates a determination on her part to swallow up all of the territory of New Mexico that is valuable in her claim. Something, therefore, is necessary to be done to ascertain and settle the boundary, so that Texas may be restrained within her own limits. If it be not done, New Mexico will be overrun, and her territory, now free, doomed to slavery against her consent.

But it is said the sum proposed to be paid is altogether out of proportion to the territory which Texas is required to cede to the United States, even if her claim to it were a valid one. My own impression has been that the claim of Texas to a very large portion of the territory in dispute was a merely colorable one, though I confess my impression, in that respect, was shaken by the argument of the [illegible] Georgia (Mr. Berrien) and [illegible]